

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RANDY AVILES,

Plaintiff,

V.

CIVIL ACTION NO. 4:20-CV-03799

RIGOBERTO SALDIVAR,
CITY OF PASADENA, TX

Defendants.



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VIDEOTAPED DEPOSITION OF

DET. MICHAEL COOPER

TAKEN ON
THURSDAY, DECEMBER 7, 2023
10:04 A.M.

LEWIS BRISBOIS BISGAARD AND SMITH LLP
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HOUSTON, TEXAS 77046

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<p style="text-align: right;">6</p> <p>1 VIDEOTAPED DEPOSITION OF 2 DET. MICHAEL COOPER 3 TAKEN ON 4 THURSDAY, DECEMBER 7, 2023 5 10:04 A.M. 6 7 VIDEOGRAPHER: We're on the record, December 7, 2023. 8 The time is 10:04a.m. This begins the video recorded 9 deposition of Detective Michael Cooper in the matter of Randy 10 Aviles v. Rigorberto Saldivar, City of Pasadena, TX in the 11 United States District Court for the Southern District of Texas 12 Houston division number 4:22-CV-03571. Would counsel please 13 state your appearances for the record afterwards the court 14 reporter will swear the witness. 15 MR. DUBE: Dimitri Dube. On behalf of the plaintiff, 16 Randy Aviles. 17 MR. GILES: Norman Giles on behalf of the City of 18 Pasadena. 19 MR. SELBE: Steve Selbe for Officer Saldivar. 20 MICHAEL COOPER, Having been first duly sworn, testified as 21 follows 22 EXAMINATION 23 BY MR. DUBE: 24 Q. Good morning, Sir. How are you? 25 A. Good morning. How are you, Sir?</p>	<p style="text-align: right;">8</p> <p>1 A. I'm a police officer. 2 Q. And do you have a specific title or position? 3 A. Yes. At this time I am a Federal Task Force Officer 4 assigned to the Bureau of Alcohol Tobacco and Firearms. 5 Q. So you work with ATF? 6 A. Yes. 7 Q. So how long have you been in that position? 8 A. Since January of 2020. 9 Q. What do you do in that role? 10 A. My job is the NIBAN group. And what NIBAN is, is 11 cartridge casing comparison from crime scenes. And we see if 12 we can link crime guns that have been recovered and casings 13 that have been recovered from scenes to see if we can maybe 14 link cases together. 15 See if, you know, this person that's responsible may 16 be responsible for more than just one. Or we can link 17 investigations from different counties, cities, even different 18 states. 19 Q. Oh, that's interesting. Has that always been your 20 role with ATF? 21 A. Yes. 22 Q. And prior to joining the task force -- or let me just 23 ask this. So even though you are tasked with ATF, you are 24 still employed by City of Pasadena? 25 A. That is correct.</p>
<p style="text-align: right;">7</p> <p>1 (By Mr. Dube) Thank you for coming up. Is it up or 2 down? 3 A. I'm sorry? 4 Q. Are you coming from up or down? I'm not familiar 5 with this area. From Houston; where do you live? 6 A. I'm on the East side of town. 7 Q. East side of town? 8 A. Yes, sir. 9 Q. Okay. As I stated before, my name is Dimitri Dube 10 and I represent the plaintiff in this case, Randy Aviles. 11 A. Okay. 12 Q. And I'm here to take the deposition and ask you a few 13 questions to see what you know about a few things. 14 A. Yes, sir. 15 Q. Is there any reason why you would be unable to give 16 truthful testimony this morning? 17 A. No, sir. 18 Q. Are you under any medications or influence of any 19 other prescription medicines? 20 A. No, sir. 21 Q. Okay. Well, I'll start with your current employment. 22 Where do you currently work? 23 A. I am currently employed by the City of Pasadena with 24 the Pasadena Police Department. 25 Q. What's your role?</p>	<p style="text-align: right;">9</p> <p>1 Q. Tell me how that works. 2 A. So my role with -- Obviously, I'm a peace officer 3 State of Texas with Pasadena Police Department and I'm assigned 4 to the Violent Crimes Unit. 5 In the Violent Crimes Unit, we investigate pretty 6 much like what the name says, investigate homicides, shootings, 7 aggravated assaults, which include aggravated assault, I 8 apologize. Aggravated robberies, sexual assaults. Anything 9 with violent tendencies, that's what we investigate. 10 And so while I was assigned there, City of Pasadena 11 decided to join in with ATF and the Houston Crime Gun Strike 12 Force. That's where we investigate gun crimes. 13 And the position that was available was the NIBAN 14 group, which I am in. And that's where I am assigned now. So 15 I still -- I am assigned to ATF. I still help with the 16 Pasadena cases and so forth. 17 Q. Who pays your salary? 18 A. City of Pasadena. 19 Q. Okay. And prior to joining the task force, I think, 20 I heard you say you work for the City of Pasadena in the 21 Violent Crimes Unit? 22 A. Correct. 23 Q. And when did you start there? 24 A. I went to the Violent Crimes Unit in February, 2017. 25 Q. I think, I didn't ask you this before. What is your</p>

<p style="text-align: right;">10</p> <p>1 current rank?</p> <p>2 A. With Pasadena?</p> <p>3 Q. Yes.</p> <p>4 A. Police Officer.</p> <p>5 Q. Okay. So you're also a detective?</p> <p>6 A. Yes, we -- Pasadena doesn't carry that like a -- as a</p> <p>7 rank like some agencies do. Pasadena just doesn't -- Pasadena</p> <p>8 you're either a police officer, sergeant, lieutenant, assistant</p> <p>9 chief, or chief. XX.</p> <p>10 Q. Okay. And how do you get the title of detective?</p> <p>11 A. That's just -- When you are in that unit -- If you're</p> <p>12 assigned to the Investigative Unit, you're a detective. In the</p> <p>13 end, you're still a police officer.</p> <p>14 Q. Okay. You are a police officer who functions as a</p> <p>15 detective?</p> <p>16 A. Correct. Yes, sir.</p> <p>17 Q. Okay.</p> <p>18 A. That's a good way to put it.</p> <p>19 Q. And so you were in the Violent Crimes Unit from</p> <p>20 February, 2017 till January, 2020 when you joined the ATF task</p> <p>21 force?</p> <p>22 A. Yes, but my assignment is still part of Violent</p> <p>23 Crimes. I'm just -- I'm attached to the ATF.</p> <p>24 Q. So the -- got it. So the task force is part of a --</p> <p>25 is a part of the Violent Crimes Unit within the city of</p>	<p style="text-align: right;">12</p> <p>1 Q. That's what I've always been told. Okay. So prior</p> <p>2 to Violent Crimes, where were you at?</p> <p>3 A. Prior to the Violent Crimes, I was on day shift</p> <p>4 patrol from, I'd say, April, 2015 until the February, 2017.</p> <p>5 Q. What is day shift patrol?</p> <p>6 A. Day shift patrol is, I was a patrol officer in</p> <p>7 uniform in a marked patrol unit answering calls on the street</p> <p>8 for the citizens.</p> <p>9 Q. Now tell me a little bit about where you grew up, and</p> <p>10 your educational background.</p> <p>11 A. I grew up in Minnesota and I do have college. I did</p> <p>12 not complete because I just -- College wasn't for me. Went into</p> <p>13 the military and then from there I ended up here in Pasadena.</p> <p>14 Q. How long were you in the military?</p> <p>15 A. I did four years, active.</p> <p>16 Q. Okay. Thank you for your service.</p> <p>17 A. Yes, sir.</p> <p>18 Q. What years?</p> <p>19 A. I'm sorry?</p> <p>20 Q. What years?</p> <p>21 A. 90 -- 1993 to 1997.</p> <p>22 Q. And where were you based out of?</p> <p>23 A. Well, my home base was in Galveston, but I spent most</p> <p>24 of my time in the Caribbean.</p> <p>25 Q. Oh, where at?</p>
<p style="text-align: right;">11</p> <p>1 Pasadena Police Department?</p> <p>2 A. Yes.</p> <p>3 Q. Essentially.</p> <p>4 A. Yes, sir.</p> <p>5 Q. So if you could still be assigned to work, like,</p> <p>6 regular routine violent crimes within City of Pasadena.</p> <p>7 A. Yes, sir. I am.</p> <p>8 Q. Okay. So roughly, how much of your time is split</p> <p>9 between the ATF and the City of Pasadena?</p> <p>10 A. I'd say prior to the last couple months, it was,</p> <p>11 like, a 75/25 percent. 75 ATF, 25 percent City of Pasadena.</p> <p>12 But the last few months it's kind of reversed itself.</p> <p>13 Q. Okay. All right. Any particular reason for that?</p> <p>14 A. Just change over of detectives. Our officers are --</p> <p>15 some moving out of the group, new ones coming in, new ones</p> <p>16 haven't been trained up yet. So they ask me if I'd come back</p> <p>17 and help out with stuff a little bit more often until we could</p> <p>18 get the new guys up to speed.</p> <p>19 Q. Understood. And who's picking up the slack for you</p> <p>20 at the ATF?</p> <p>21 A. I just gotta keep working it.</p> <p>22 Q. Okay.</p> <p>23 A. And hope my buddies up there help me out.</p> <p>24 Q. The reward for good work is more work.</p> <p>25 A. Exactly.</p>	<p style="text-align: right;">13</p> <p>1 A. All over. Literally, all over.</p> <p>2 Q. So I'm from the Caribbean.</p> <p>3 A. Okay.</p> <p>4 Q. And so is my wife.</p> <p>5 A. Okay.</p> <p>6 Q. So I'm from Haiti and my wife's -- is from Jamaica.</p> <p>7 A. Spent many times in Haiti.</p> <p>8 Q. Did you?</p> <p>9 A. Yeah.</p> <p>10 Q. Okay.</p> <p>11 A. Obviously, Port-au-Prince, but then we went around to</p> <p>12 the Cap-Haitien.</p> <p>13 Q. Awesome.</p> <p>14 A. Yes.</p> <p>15 Q. We'll talk about that offline.</p> <p>16 A. Okay.</p> <p>17 Q. I was born there and grew up Port-au-Prince.</p> <p>18 A. Beautiful Country.</p> <p>19 Q. Yes, it can be.</p> <p>20 A. Yes.</p> <p>21 Q. In some places.</p> <p>22 A. Yep.</p> <p>23 Q. Awesome. And where else in the Caribbean?</p> <p>24 A. The majority of our time -- I was in the Coast Guard</p> <p>25 so we spent a lot of time between the Florida Keys and Cuba,</p>

<p style="text-align: right;">14</p> <p>1 Florida Keys and the Bahamas. We'd cruise down -- I mean, we'd 2 just cruise all over, basically. We did drug enforcement. 3 Q. That was going to be my next question. 4 A. Yes. 5 Q. Were you doing drug enforcement? 6 A. Yes. 7 Q. So you almost already had the background, police work 8 and police investigation, while you were still in the military? 9 A. Yes, sir. 10 Q. Okay. And when did you join the Pasadena police? 11 Force. 12 A. My start date was March of 1999. 13 Q. What'd you do in between '97 and '99? 14 A. I just did some online leak ceiling in the plants, 15 the chemical plants, refineries and so forth. 16 Q. Okay. What made you decide to join the police force? 17 A. Always wanted to be a cop. And then wasn't going to 18 go back home because you had to have a degree. And I just -- I 19 mean, that's just my opinion. I don't think you need to have a 20 degree always, but -- 21 Q. What was your first position with the Pasadena Police 22 Force? 23 A. After graduating their academy, I was assigned to 24 patrol. And the training consists of all three shifts. You 25 spend time on all three shifts of days, evenings, or nights.</p>	<p style="text-align: right;">16</p> <p>1 investigator school to send you to which is typically a week 2 long. 3 There they'll teach you a variety of things. They 4 cram a lot into a week, okay. And they'll teach you, you know, 5 notes, how to write -- take notes, preserve your notes. They'll 6 talk about report writing, they'll talk about interviewing. 7 You review, like, how would you process a crime 8 scene. Even though we have a crime scene unit you kinda want 9 to know what they're doing. And you want to look for things, 10 you want to make sure that, hey, you're out there, your whole 11 picture -- just what are you seeing and you have to understand 12 it all. 13 And then they -- We talk about courtroom testimony 14 and case preparation and so forth. 15 Q. Okay. That's my next topic. Speaking of 16 preparation, how did you prepare for this deposition? 17 A. Received an e-mail that I had to be deposed. I 18 didn't know anything about the case, so I came down here like I 19 was ordered to. 20 Q. Did you review anything? 21 A. No, sir. 22 Q. Did you participate at all in the investigation of 23 the shooting of Mr. Aviles? 24 A. No, I did not. 25 Q. Did you hear anything about --</p>
<p style="text-align: right;">15</p> <p>1 And then once I completed the training I was assigned 2 to night shift patrol for roughly two and a half - three years. 3 And then I did day shift patrol for another three years. And 4 then from there I went to burglary and theft investigations. 5 And I was there for four years almost five years. And then 6 from there I went to a burglary and theft unit. 7 That was more of a proactive assigned to patrol so we 8 are still plainclothes but more reacting, like, at the time, in 9 progress type stuff versus where you're investigating 10 afterwards. 11 And then from the proactive I spent a year there, 12 went back to burglary and theft for a few more years. Went to 13 narcotics investigation for a few years. And then I went back 14 to patrol for a couple years. Now, violent crimes. 15 Q. What made you make the shift from patrol to violent 16 crimes? 17 A. I enjoy doing investigations a whole lot more than I 18 am on the street where -- I it's just -- the work. 19 Q. What is it about investigations that you like? 20 A. Solving the puzzle. Solving it. Trying to figure it 21 out. 22 Q. What training did you receive shifting from, I guess, 23 the day shift patrol to being more of an investigative unit? 24 A. When you transfer from patrol to investigative unit, 25 there's -- they usually try to find you, like, a new</p>	<p style="text-align: right;">17</p> <p>1 A. I apologize. They asked me to do an eTrace on the 2 gun. And what that is, is that -- there's, like, a website we 3 can enter the gun information in. And it sends it off to a, 4 somewhere over in the East Coast. 5 And that they send the information back on the 6 history of the gun. Wherever it, like, who the importer was, 7 who's the original seller, original purchaser. That's my only 8 role. 9 Q. Did you hear about the shooting? 10 A. Yes. 11 Q. Okay. What did you hear about the shooting? 12 A. I heard about it and I didn't want nothing to do with 13 it. 14 Q. Okay. Why is that? 15 A. Didn't want to. 16 Q. Any particular reason why you didn't want anything to 17 do with it? 18 A. I involved in -- I assisted on others and I just 19 didn't want to deal with this one this time. 20 Q. Okay. Do you know which detectives worked on this 21 shooting? 22 A. I believe primary detective is going to be Sebastian 23 Mata. And whoever assisted him with it. I just don't know 24 because usually when we have scenes like this or events like 25 this, we'll have a primary investigator that goes out. But</p>

<p style="text-align: right;">18</p> <p>1 then the other guy's unit will go out and assist and do</p> <p>2 whatever they need help with.</p> <p>3 Q. Were you asked to participate in the investigation?</p> <p>4 A. At this time, no I was not.</p> <p>5 Q. How did you make -- make it clear that you did not</p> <p>6 want to participate?</p> <p>7 A. When I came into the office one day and they were</p> <p>8 talking about it. And they said, hey, do you want to go do</p> <p>9 some follow-ups on this and I was, like, no.</p> <p>10 Q. Did they ask you why?</p> <p>11 A. They -- they pretty much know. I just didn't want to</p> <p>12 be involved in it.</p> <p>13 Q. What did they know?</p> <p>14 A. That I didn't want to be involved in it.</p> <p>15 Q. I understand you didn't want to be involved in it.</p> <p>16 I'm just trying to figure out if you can tell me why you didn't</p> <p>17 want to be involved in it?</p> <p>18 A. Because I was involved in the first one and then</p> <p>19 investigated the second one. And I'm -- I just -- I've -- I --</p> <p>20 And I had other investigations going on. And I just didn't</p> <p>21 want to be involved in it. Because it just -- these are long</p> <p>22 complex investigations and I just -- I just believe -- I had a</p> <p>23 lot on my plate. I just didn't want to be involved in it.</p> <p>24 Q. When you say the first one, what you mean by the</p> <p>25 first one?</p>	<p style="text-align: right;">20</p> <p>1 A. The first one?</p> <p>2 Q. Yes.</p> <p>3 A. I -- I just assisted the primary investigator. One</p> <p>4 thing he asked me to do, was if I could see if I could figure</p> <p>5 out, if I remember correctly, I think four shots were fired.</p> <p>6 And he asked if I could go find -- if I could see the</p> <p>7 path of maybe the projectiles went. So I walked through the</p> <p>8 apartment complex trying to find possible bullet holes.</p> <p>9 Q. And what was the second shooting you're referencing?</p> <p>10 A. It was an investigation that I worked.</p> <p>11 Q. Okay. And which one was that one?</p> <p>12 A. It was November 21 or 22nd of 2018. Can't remember.</p> <p>13 It was the night before Thanksgiving, I remember that. And it</p> <p>14 was an investigation involving Officer Saldivar.</p> <p>15 Q. So when you say you were involved in the first</p> <p>16 shooting and the second shooting and you didn't want to be</p> <p>17 involved in that shooting; is the connective thread between the</p> <p>18 three shootings, Officer Saldivar?</p> <p>19 MR. GILES: Objection. Form. You can answer.</p> <p>20 THE WITNESS: Can you repeat that question please? I</p> <p>21 apologize.</p> <p>22 Q (By Mr. Dube) Sure. You stated that you -- you had</p> <p>23 been involved with the first shooting and the second shooting</p> <p>24 and you didn't want any part to do with this third shooting.</p> <p>25 Is the connection between the three shootings, Officer</p>
<p style="text-align: right;">19</p> <p>1 A. There was a shooting, I can't even tell you when,</p> <p>2 maybe in 2018. Beginning of 2018. I'm not sure. I can't even</p> <p>3 give you the exact -- Maybe it was the end of 2017. I don't</p> <p>4 know. And I assisted the primary guy with that one.</p> <p>5 Q. Okay.</p> <p>6 A. And I just assisted. Just, hey, will you go and see</p> <p>7 what you can find in the evidence wise or so forth.</p> <p>8 Q. Okay. And is that the shooting involving the kid</p> <p>9 with the gun?</p> <p>10 A. Yes, sir. Yes, sir.</p> <p>11 Q. Okay.</p> <p>12 A. Yes, sir.</p> <p>13 Q. If I say the name Angel Ramirez, does that ring a</p> <p>14 bell?</p> <p>15 A. No, sir.</p> <p>16 Q. Okay. But you know of the shooting involving a young</p> <p>17 man with a gun?</p> <p>18 A. Yes, sir.</p> <p>19 Q. It was a fake gun.</p> <p>20 A. Yes, I believe it was.</p> <p>21 Q. Your memory is pretty good. It was early 2018.</p> <p>22 A. Okay.</p> <p>23 Q. It was April of 2018.</p> <p>24 A. Okay.</p> <p>25 Q. And what did you do with that investigation?</p>	<p style="text-align: right;">21</p> <p>1 Saldivar?</p> <p>2 A. Oh, yes, sir. Yes. Yes, sir.</p> <p>3 Q. What about -- what about the fact that Officer</p> <p>4 Saldivar was involved in all three shootings, make you not want</p> <p>5 to participate in the investigation of the third shooting?</p> <p>6 MR. GILES: Objection; form.</p> <p>7 THE WITNESS: I -- I just didn't want to be involved</p> <p>8 in the third investigation. I really didn't. I mean, because</p> <p>9 I -- My caseload at ATF is big enough. And I just -- I mean --</p> <p>10 just to give you an idea, I'm assigned to the Houston Field</p> <p>11 Division.</p> <p>12 It's not just Houston. Houston Field Division covers</p> <p>13 from Texas Louisiana border, through Lufkin to Waco down to</p> <p>14 Laredo, and everywhere in between. So I travel.</p> <p>15 And when I came in, I wasn't even -- I think it was a</p> <p>16 couple days afterwards. And when I heard they had a shooting</p> <p>17 I'm, like, I don't want anything to do with this. I'm done.</p> <p>18 I've got my other stuff. I've got the second one. I said, I'm</p> <p>19 -- I'm fine. I don't need it.</p> <p>20 Q. Your plate was full.</p> <p>21 A. Yes.</p> <p>22 Q. Gotcha. Okay. So we're going to talk mostly about</p> <p>23 that second shooting. The one --</p> <p>24 A. Okay.</p> <p>25 Q. That you worked. You know, and we'll touch a little</p>

<p style="text-align: right;">22</p> <p>1 bit on the first shooting.</p> <p>2 A. Okay.</p> <p>3 Q. And I don't anticipate asking you much questions</p> <p>4 about the third shooting.</p> <p>5 A. Okay.</p> <p>6 Q. Okay?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Did you review your report on the second shooting? I</p> <p>9 should -- Before I ask you that -- XX On the first shooting,</p> <p>10 did you watch the video of that shooting?</p> <p>11 A. On the first shooting? I -- If I remember correctly,</p> <p>12 I think, I saw a dash cam where he's standing in front of the</p> <p>13 car and firing. But that's -- all you see is him.</p> <p>14 Q. Okay. Did you see the body cam?</p> <p>15 A. No, I did not, sir.</p> <p>16 Q. Okay. And you are not in charge of making any</p> <p>17 investigating findings on that shooting; correct?</p> <p>18 A. No, sir, I was not.</p> <p>19 Q. Just to trace the --</p> <p>20 A. I was there as a -- because there was a primary</p> <p>21 investigator was Robert Guerra. Robert asked me -- 'cause we</p> <p>22 backed each other up. He was, like, hey can you do me a favor.</p> <p>23 What you need? He says, will you see if you can find where the</p> <p>24 other projectiles may have gone.</p> <p>25 Q. And what did you find out?</p>	<p style="text-align: right;">24</p> <p>1 Q. Yes.</p> <p>2 A. No, sir. I have not reviewed it recently.</p> <p>3 Q. I'm going to take the -- give you the opportunity to</p> <p>4 do so, so that I think that will be fair to you.</p> <p>5 A. Okay, sir.</p> <p>6 Q. To do that.</p> <p>7 A. Yes, sir.</p> <p>8 Q. We can go off the record. Let's go off the record.</p> <p>9 VIDEOGRAPHER: Off the record at 10:26.</p> <p>10 (Recess taken from 10:26am to 10:40)</p> <p>11 VIDEOGRAPHER: We're back on the record at 10:40.</p> <p>12 Q (By Mr. Dube) Welcome back, sir.</p> <p>13 THE WITNESS: Yes, sir.</p> <p>14 Q. Okay. So we took a little break to give you the</p> <p>15 opportunity to review your report from the second shooting.</p> <p>16 A. Yes, sir.</p> <p>17 Q. Okay. And so we orientate ourselves. Who's the --</p> <p>18 Who is the -- Who are the individuals who were involved in that</p> <p>19 shooting?</p> <p>20 A. Be Officer Rigoberto Saldivar.</p> <p>21 Q. And who was the victim of the shooting?</p> <p>22 MR. GILES: Objection; form. You can still answer</p> <p>23 when I do the objections.</p> <p>24 THE WITNESS: Okay, sir. Nathan Schenk.</p> <p>25 Q (By Mr. Dube) Just to clean up that question. Who</p>
<p style="text-align: right;">23</p> <p>1 A. I found them.</p> <p>2 Q. Okay and what's --</p> <p>3 A. One struck a vehicle. One struck a garage and</p> <p>4 another one went into a window of a second-story apartment</p> <p>5 across the complex.</p> <p>6 Q. One struck a vehicle.</p> <p>7 A. Yes, sir. It was the lower quarter panel, I believe.</p> <p>8 Q. Okay. And the second one struck where?</p> <p>9 A. A garage, like, a car garage that was in this</p> <p>10 apartment complex. This complex has garages.</p> <p>11 Q. Okay. And where did the third go?</p> <p>12 A. Into a - In a window on the second story of a</p> <p>13 building that was on the opposite side of the complex.</p> <p>14 Q. Okay. Is that the person who tracked you down as you</p> <p>15 were walking the complex?</p> <p>16 A. Yes, we were tracked down. Somebody waved us down, I</p> <p>17 believe, from the balcony. Said, hey, can you come up here.</p> <p>18 Q. Okay. What did you see once you did that?</p> <p>19 A. There was a projectile in there.</p> <p>20 Q. And all of those shots came from Officer Saldivar's</p> <p>21 firearm?</p> <p>22 A. Yes. He was the only officer that fired.</p> <p>23 Q. Okay. Have you had a chance to review your report</p> <p>24 for your -- for the shooting that you investigated?</p> <p>25 A. You mean recently --</p>	<p style="text-align: right;">25</p> <p>1 was the person that was shot?</p> <p>2 A. Nathan Schenk.</p> <p>3 Q. And Mr. Schenk was deceased --</p> <p>4 A. Correct.</p> <p>5 Q. -- from the shooting; correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. How did you become involved in that investigation?</p> <p>8 A. That was my week for primary on call, for any call-</p> <p>9 outs. And I was actually, myself and one of my partners, were</p> <p>10 out investigating a series of robberies when this call went</p> <p>11 out.</p> <p>12 So I asked him to go to the scene, get it --</p> <p>13 everything secured while I went and put on my shirt and tie,</p> <p>14 dress pants that we have to wear for all call outs.</p> <p>15 Q. Okay. And who was the other detective that was with</p> <p>16 you?</p> <p>17 A. Joe Stephens. Joseph Stephens.</p> <p>18 Q. So it's a requirement to wear a shirt and tie for</p> <p>19 investigations?</p> <p>20 A. For call-outs like this, yes.</p> <p>21 Q. And then -- so you were -- you and -- Is it Detective</p> <p>22 Stephens?</p> <p>23 A. Yes, sir.</p> <p>24 Q. You and Detective Stephens were out on a call-out for</p> <p>25 --</p>

<p style="text-align: right;">26</p> <p>1 A. We weren't out on a call-out. We were doing an 2 investigation. 3 Q. Oh, sorry. 4 A. We were doing investigations. We had a serial robber 5 that was hitting in the timeframe, usually between 7:00 p.m. 6 and 10:00 p.m. So we were out just canvassing the area, seeing 7 if we spot the vehicle, spot him. 8 Q. And so what happened as you guys are doing that? 9 A. We heard the call drop on the radio. We heard it go 10 out, be broadcasted over the police radios. And at this time I 11 asked him to go to the scene. I said, just get there, do the 12 preliminary -- And while I had to go and change. 13 And then I also notified my Sergeant of it just to 14 save the phone calls. I just -- I called him real quick and I 15 said, hey, get a couple of the other guys out to come and help. 16 Q. What is it that you heard? 17 A. Shots fired. 18 Q. Okay. 19 A. It started off with, one running. I've got one 20 running. And then it ended with shots fired. 21 Q. And who is the person that's reported shots being 22 fired? 23 A. Officer Saldivar. 24 Q. Okay. So just to recap, Officer Saldivar stated, 25 shots fired. And you heard that while you were, I guess, like,</p>	<p style="text-align: right;">28</p> <p>1 everybody -- 2 Q. Okay. 3 A. -- that we needed to come out. 4 Q. So because -- No. You were detective on duty; right? 5 A. Yes. 6 Q. And you heard that there's an officer involved 7 shooting, you knew that the next step would be for you to go 8 out there? 9 A. Yes. 10 Q. And so you decided just to short-circuit the process 11 and just go out there -- 12 A. Yes, sir. 13 Q. -- directly? 14 A. Yes, sir. 15 Q. Okay. Well, you stop home first -- 16 A. Yes. 17 Q. -- and then. Okay. And when you called, I guess, 18 your supervisor, Sergeant Skripka? 19 A. Yes, sir. 20 Q. What did you tell him? 21 A. Told him, hey, just heard on the radio, shots fired, 22 officer involved shooting. And I'm going to change and I need 23 you to respond to the scene. I said, I told him, I said, I 24 sent Joe there already just to get there and help get things 25 organized.</p>
<p style="text-align: right;">27</p> <p>1 investigating with Detective Stephens. 2 A. Yes. 3 Q. And then a short time later you heard, shots fired, 4 from Detective Sal -- from Officer Saldivar? 5 A. Yes. 6 Q. Okay. Why did that necessitate you sending Detective 7 Stephens to the -- to the scene and you going out there with 8 your shirt and tie? 9 A. Because Detective Stephens hadn't changed from the 10 day, earlier in the day. I was -- my normal dress is -- I -- 11 we call it dressing down. So I'm normally in a shirt and tie, 12 at that time back in 2018. But when I'm out doing surveillance 13 and everything, we dress down. 14 And so I had to go and get changed into the prop -- 15 what we respond to any type of call-out we get for homicides, 16 unattended deaths, suicides, officer involved shootings, we 17 always respond in dress pants or shirt and tie. 18 Q. And what's a call-out? 19 A. It's when we're called out by patrol to go and assist 20 them with an investigation. 21 Q. And then -- so were you called out for that? 22 A. We weren't technically called out because we heard it 23 on the radio, so we know we're going. 24 Q. Okay. 25 A. So we -- we just sped the process up by notifying</p>	<p style="text-align: right;">29</p> <p>1 I'm going to change and bring a couple other guys 2 with you so you can get a hold of the other couple detectives 3 to come help. 4 Q. And what did he respond to that? 5 A. Okay. 6 Q. So after you went home to change, you went directly 7 to the scene? 8 A. Yes, sir. 9 Q. Okay. So what happened at that time? 10 A. At that time I started -- I found what officer was 11 the -- who's going to be -- we call it the original reporting 12 officer. Person that's going to be writing the original 13 report. So I found him -- 14 Q. Who was that? 15 A. Officer Charlie Sanders. 16 Q. Okay. 17 A. I met with Officer Sanders and I met with Detective 18 Stephens, Joe Stephens, at the scene. And, I was, Okay, brief 19 me on what we have. 20 Q. Okay. And what did they tell you? 21 A. That Officer Saldivar was working traffic at this 22 intersection when he observed a vehicle commit a traffic 23 violation. He pulled in behind the car, the car went into a 24 parking lot of a bar, that's within the vicinity of the scene. 25 The suspect got out, after orders of not to get out</p>

<p style="text-align: right;">30</p> <p>1 of the car, and he took off. Picked up a bag from the ground 2 and took off running. And that Officer Saldivar chased him 3 through a couple yards and pretty much back to the scene of 4 where the original traffic violation occurred. So almost made, 5 like, just a giant circle. 6 Q. Let's just back up a little bit. 7 A. Yes, sir. 8 Q. Is Officer Charlie Sanders still employed by City of 9 Pasadena? 10 A. Yes, he is. 11 Q. What's his role now; do you know? 12 A. I'm sorry, sir? 13 Q. What's his role now, do you know? 14 A. He is a detective in the auto theft unit. 15 Q. Do you know what his role was at the time of the 16 shooting? 17 A. He was on patrol. I believe it was evening shift. 18 Q. And Detective, is it Sanders? Joseph Sanders? 19 A. I apologize, sir? 20 Q. Detective Joseph Sanders? 21 A. Oh, Stephens? 22 Q. Stephens. Sorry, Joseph Stephens. Is he still 23 employed by the City of Pasadena? 24 A. No. He retired from us and he's still in law 25 enforcement. He's just not with Pasadena.</p>	<p style="text-align: right;">32</p> <p>1 if I remember correctly. 2 So, at this time, I asked for Sergeant White to come 3 to the scene. Because Sergeant White was, I think, he was over 4 our commercial vehicle unit at the time, I believe. And but he 5 was over our body cams and our dash cams for getting them 6 downloaded. For after hours getting that stuff downloaded. 7 Q. So it was his, I guess, duty to help you guys view 8 the body cams and the dash cams? 9 A. Yes. To get those videos downloaded for us to view. 10 To get it onto either a DVD or a flash drive. 11 Q. I guess, without his work, I guess, you wouldn't be 12 able to see what was actually on the body cam or dash cam. 13 A. It would be delayed for awhile. 14 Q. Okay. 15 A. Because the cameras we had at that time, which 16 should've been the WatchGuard, we actually had to drive back to 17 the station and sit outside the station. 18 And you have to -- sometimes the cameras, the body 19 cams, you could put into a cradle that's in your car, like, in 20 the center console. And then it would download over the air. 21 Okay? Into a server. 22 Other if -- That's if in a perfect world everything 23 worked right. Okay? And if it doesn't, you gotta take the 24 body cam out and go into -- into the station. There's cradles 25 in there to dock them in and it downloads it to the system.</p>
<p style="text-align: right;">31</p> <p>1 Q. You know where he currently works? 2 A. Hays County District Attorney's Office. 3 Q. Hays? 4 A. Hays. It's H-A-Y-S, I think. It's up there in the 5 Hill Country there just south of Austin. 6 Q. Okay. 7 A. He's with -- He's a Sergeant with investigators for 8 the DAs office. 9 Q. Got it. 10 MR. SELBE: San Marcus. 11 THE WITNESS: Thank you. San Marcus. 12 Q. (By Mr. Dube) All right. So back to where we were. 13 I'm sorry -- 14 A. Yes, sir. 15 Q. -- for the loop around. So Mr. -- Officer Sanders 16 and Detective Stephens reviewed what occurred. Which is, there 17 is a police stop, a chase, and then they went back to, I guess, 18 near the area where -- 19 A. Yes, sir. 20 Q. -- the stop occurred. 21 A. Yes, sir. 22 Q. So what happened after that? 23 A. They said that there was some type of a fight ensued 24 and that Officer Saldivar discharged his weapon. So if I 25 remember correctly, Charlie, Officer Sanders had the body cam,</p>	<p style="text-align: right;">33</p> <p>1 Q. And that night wasn't a perfect world; right? Because 2 it's raining and -- 3 A. Oh, that night was horrible. 4 Q. Okay. 5 A. It stormed like crazy. But if, while I'm out on the 6 scene, to speed things up, so that I can see what happened, we 7 called him out to, hey, I want the body cam download. I need 8 the -- dash cam downloaded and if you can get it done, can you 9 get it back here while I'm still here on scene? And Sarge was, 10 like, you got it. 11 Q. Perfect. And how long did it take for them to get 12 out to the scene? 13 A. To come to me? I -- Dude, I'd just be guessing. 14 Q. Okay. 15 A. Maybe a half-hour. 16 Q. Okay. 17 A. From the time I called him, maybe. 18 Q. I don't want you to guess. But, just to the best of 19 your recollection. 20 A. I know he lives -- Him and I don't live too far from 21 each other. So I know he was probably at dinner, like most 22 guys are at that time at night or, whatever, or hanging with 23 family. So I think -- just speculating it was a half-hour. 24 The time from when I talked to him and him arriving. 25 Q. And so it was when he got there that he began the</p>

<p style="text-align: right;">34</p> <p>1 process of downloading the video?</p> <p>2 A. Yes. What he did is he'd take the body cam and, I</p> <p>3 believe, he took the hard drive out of the dash cam. And then</p> <p>4 he takes it to the station and he downloads it. And then he</p> <p>5 brought it back to me that night.</p> <p>6 Q. Okay. In the meantime, I guess, in the time it took</p> <p>7 for him to come to the scene, go to the station, download the</p> <p>8 videos; what were you doing in the intervening time?</p> <p>9 A. I basically, at that time, like I do at all scenes, I</p> <p>10 walked the scene. So I started from where he was sitting up</p> <p>11 doing the traffic stop. I walked to where he did the -- got</p> <p>12 him stopped at the bar. I walked the route that he ran.</p> <p>13 And that -- that he had told him that he had ran.</p> <p>14 And then I came back to the scene. I viewed the area of where</p> <p>15 the decedent was at for any evidence. Tried to make sure</p> <p>16 everything was preserved because that was a nasty storm that</p> <p>17 was coming through.</p> <p>18 And in the meantime while I'm doing all that, and I'm</p> <p>19 updating my command staff which is my Sergeant, my lieutenant,</p> <p>20 and then, I think, that night it was just my Sergeant and he</p> <p>21 notified everybody else.</p> <p>22 I have to be in contact with the Harris County</p> <p>23 District Attorney's Office. Advise them, officer involved</p> <p>24 shooting. I have to contact Medical Examiner's Office to</p> <p>25 request the ME to come out. The ME investigator, I apologize,</p>	<p style="text-align: right;">36</p> <p>1 saw.</p> <p>2 Q. Earlier you said, you walked the path that he said</p> <p>3 occurred. And by that he you mean Officer Saldivar?</p> <p>4 A. Oh, yes. Yes, sir. What Officer Saldivar initially</p> <p>5 told them he had ran, that's the path that I had walked.</p> <p>6 Q. And who did he tell that to?</p> <p>7 A. I believe it was the guys at the scene.</p> <p>8 Q. Okay.</p> <p>9 A. Because I didn't talk to him.</p> <p>10 Q. Okay.</p> <p>11 A. I did not talk to him at all that night.</p> <p>12 Q. So your original report of where the path that they</p> <p>13 went, right, came from another officer who had spoken to</p> <p>14 Officer Saldivar?</p> <p>15 A. Yes, he had told me the route that he had ran, so I</p> <p>16 walked. Now, in my report; is that what you're talking about?</p> <p>17 Q. I'm not to the report yet.</p> <p>18 A. Oh, Okay.</p> <p>19 Q. No, no, no. Whatever you -- So if the report helped</p> <p>20 you figure out what happened, by all means refer to it.</p> <p>21 A. Okay, no. I'm -- I'm sorry. I guess I misunderstood</p> <p>22 what you were asking. I apologize. The route I walked is what</p> <p>23 Detective Stephens and Officer Sanders had told me. So that's</p> <p>24 the route I had walked. Just so that I had in my mind, I knew</p> <p>25 what I was walking. I verified the route later on when I</p>
<p style="text-align: right;">35</p> <p>1 ME investigator and a body car.</p> <p>2 So I'm making a lot of phone calls and then while I'm</p> <p>3 there, I also asked for, I believe, he was a sergeant at the</p> <p>4 time, Sergeant McGill. He may have been a Lieutenant. Either</p> <p>5 way, he was over the crime scene unit. And I asked if we could</p> <p>6 get the fire department out here to bring in additional</p> <p>7 lighting to, like, light up the area because it was just so --</p> <p>8 it was a dark area. Very poor -- I think there is, like, one</p> <p>9 streetlight.</p> <p>10 Q. Got it.</p> <p>11 A. And the headlights weren't help -- you know, just --</p> <p>12 Headlights just didn't provide enough. Does that make sense?</p> <p>13 Q. Yeah, it makes perfect sense.</p> <p>14 A. Okay.</p> <p>15 Q. Did the fire department come out?</p> <p>16 A. Yes, they did. They brought out a truck for us with</p> <p>17 their big tower light to light up the area.</p> <p>18 Q. So tell me about walking the scene. What did you</p> <p>19 discover?</p> <p>20 A. I know most of the stuff we discovered was right</p> <p>21 there where it ended.</p> <p>22 Q. Okay.</p> <p>23 A. The backpack that had the drugs and money, pills that</p> <p>24 were scattered on the ground. I think there may have even have</p> <p>25 been, like, a bag or two of marijuana. That's just what we</p>	<p style="text-align: right;">37</p> <p>1 watched the body cam.</p> <p>2 Q. Understood. Okay.</p> <p>3 A. Okay? So if I had told you wrong, I apologize.</p> <p>4 Q. Oh, no, no. It makes sense. Because you have to go</p> <p>5 back and forth --</p> <p>6 A. Yes.</p> <p>7 Q. -- between what you knew at the time --</p> <p>8 A. Yes.</p> <p>9 Q. And -- and now new memory based on everything you've</p> <p>10 done through the investigation. So I get that completely.</p> <p>11 A. Yes, sir.</p> <p>12 Q. So you went through, you walked the route. And it</p> <p>13 was the route that Officer Saldivar had told Sanders and</p> <p>14 Stephens that he had gone through.</p> <p>15 A. Yes.</p> <p>16 Q. And then you, you know, you noticed different things</p> <p>17 that came from the confrontation.</p> <p>18 A. Yes.</p> <p>19 Q. Correct?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. When did you first speak to Officer Saldivar?</p> <p>22 A. I think the first time I talked to him that night, at</p> <p>23 the scene, is when I told him we needed to, what we call,</p> <p>24 catalog his weapon.</p> <p>25 Q. Okay. What does that mean?</p>

<p style="text-align: right;">38</p> <p>1 A. Basically, what we do is we have the officer come 2 into our crime scene van with his attorney. And then I -- 3 Harris County DAs Office is in there, I'm in there, in the 4 crime scene unit. And we take his weapon from him and we 5 catalog, like, what rounds he had in his gun. 6 We take all of his magazines that he had on his 7 person off of him. And we categorize them just to count what 8 he had and what order they were in. And then we ask if he has 9 any other weapons on him that we need to -- firearms that we 10 need to be aware of. 11 And what that is for is to determine how -- What are 12 the possible number of rounds that have been fired. Because you 13 -- In situations like that, you just don't always know how many 14 times you pulled that trigger. You just don't. 15 And so with that we, kind of, will count the ammo and 16 then we'll ask him, like, how do you normally carry it? Do you 17 carry it with the full mag plus one? Or do you fill the mag 18 and then chamber a round so there's still room for one more? 19 It's questions like that that are asked. 20 Q. Do you recall what he -- what that conversation was 21 with Officer Saldivar that night? 22 A. No. I can't -- I can't remember, sir. Sorry. 23 Q. No, that's fine. Do you -- Do you recall the number 24 of rounds that had been fired? 25 A. I believe it was five rounds.</p>	<p style="text-align: right;">40</p> <p>1 was and we walked the route. So that, I believe, they 2 photographed it along the way too. I believe so, but I'm not - 3 - I can't remember. And then they just started processing the 4 body at that point. 5 Q. Did you get a chance to look at the body, yourself? 6 A. A little bit there, yes. 7 Q. What did you notice, if you remember? 8 A. I did observe some gunshot wounds to the body. 9 Q. And is this before you spoke to Officer Saldivar? 10 A. Now, what do you mean by spoke to Officer Saldivar? 11 You talking about when I cataloged the weapon? 12 Q. Yes, sir. 13 A. Sir, I -- 14 Q. You don't recall? 15 A. I can't recall what order that went in, now. I'm 16 sorry. 17 Q. That's fine. So you observed the gunshot wounds. If 18 you -- if you -- If you recall -- 19 A. I'm sorry, I want to say the medical examiner was 20 first, but -- 21 Q. Is it in your report? 22 A. Can I look real quick? 23 Q. Yeah, of course. 24 A. Yes, so we dealt with the body first. 25 Q. Okay.</p>
<p style="text-align: right;">39</p> <p>1 Q. You determined that through the cataloging; correct? 2 A. Cataloging and eventually what we'd been finding on 3 the scene, like, shell casings. 4 Q. So cataloging told you five rounds. And then number 5 of showcasing you found at the scene confirmed there were five 6 rounds? 7 A. Yes, we found three, initially. But we had to 8 actually keep the scene secure overnight just due to the storm. 9 It was a pretty bad one that night. So we kept it secured 10 around-the-clock. I had three officers just guarding the 11 scene, after we eventually finished. 12 And it was -- too, the other thing, it was very hard 13 to see. Yes, we had the fire department with the tower light, 14 but it's still, it's very difficult to see. And so the next 15 morning we came back with crime scene and metal detectors and 16 we found the other two casings immediately. 17 Q. Understood. Okay. So in between the time -- And 18 pardon me if I already asked you this. In between the time of 19 the walk-through and you talk -- and you cataloging Officer 20 Saldivar's weapon, what was happening? What were you doing? 21 Let me ask that question. 22 A. The ME's office had arrived on scene. So the medical 23 examiner investigator was there and the body car was there. So 24 I had to take the investigator, medical examiner investigator, 25 through the scene. Same thing. We started where the violation</p>	<p style="text-align: right;">41</p> <p>1 A. With the medical examiner before we went and did the 2 cataloging of the weapon. 3 Q. Understood. 4 A. Yes, sir. 5 Q. Now, what does that mean, to deal with the body? 6 A. I apologize? 7 Q. What does that mean to deal with the body? 8 A. What I mean, deal with the body, is get the scene 9 processed with the investigator there. They -- Because they're 10 going to take a lot of photos, they're going to move the body 11 around, see if they find any evidence. 12 And the crime scene unit is there as well, taking 13 photographs too. And then the body -- we call it the body car, 14 the -- then put the body in the bag and get it down to the 15 Medical Examiner's office. My goal in that night -- We were 16 racing against mother nature. 17 Q. There's reports. Did the storm already start or was 18 it coming? 19 A. It -- It. Both. It was a wild night out there that 20 night. 21 Q. Okay. 22 A. Yes. 23 Q. So there was a little bit of the storm, but you knew 24 worse was coming down the pike? 25 A. Yes.</p>

<p style="text-align: right;">42</p> <p>1 Q. Okay. All right. So back to your observations of 2 the body. What did you observe of the body? 3 A. When they were moving it around, just trying to watch 4 from the outside in because I gotta -- I stay out of their way. 5 I believe it was, I think, we initially saw, like, two gunshot 6 wounds to the back. Lower back area. And then there's one or 7 two to the armpit area, if I remember correctly. 8 Q. What did you think when you saw the two gunshot 9 wounds to the back and -- 10 A. Interesting. 11 Q. Why was that interesting? 12 A. Just, interesting. As just in, reaction. 13 Q. In your experience, with gunshot wounds in the back, 14 mean anything in the course of the investigation? 15 MR. GILES: Objection; form. 16 MR. SELBE: Object; form. 17 THE WITNESS: Just, it's not something you normally 18 see. And you see it in homicide investigations when you're out 19 there investigating, you know, like, gang on gang crimes or 20 stuff like that. Or cartel homicides which we investigate 21 quite a bit. 22 But is it something that's, you know, when it comes 23 to officer involved shootings it does happen. Yeah, you see it 24 too. I just, my reaction was, interesting. There was nothing 25 more than that. It was just --</p>	<p style="text-align: right;">44</p> <p>1 Q. Okay. Is that unusual? 2 MR. GILES: Objection; form. 3 THE WITNESS: I don't know. Unusual is not -- I 4 don't know that that's really the right word to use. 5 Q. (By Mr. Dube) What word would you use? 6 A. I don't know because I've -- I've been with officers 7 that have been involved in multiple shootings in a year, just 8 due to our job function and so forth. So it does happen. I've 9 been there. 10 On one of them, I was -- I even pulled the trigger 11 with, you know, in one of them. So I've been around times when 12 officers have been involved in more than one in a year. So to 13 say, unusual, I'd -- I just -- I don't know if I would use that 14 word. I just wouldn't. 15 Q. What word would -- Again, what word would you use for 16 -- 17 MR. GILES: Objection; form. 18 THE WITNESS: Damn the luck. 19 Q. (By Mr. Dube) Hmm? 20 A. Damn the luck. 21 Q. Damn the luck. I'm going to try another word. Was it 22 concerning to you that it was the second shooting involving 23 this officer in a year? 24 MR. GILES: Objection; form. 25 THE WITNESS: I guess you have to keep that in the</p>
<p style="text-align: right;">43</p> <p>1 Q. (By Mr. Dube) It wasn't typical for an officer 2 involved shooting for the gunshot would -- 3 A. For me -- 4 Q. -- to be in the back? 5 MR. GILES: Objection; form. 6 MR. SELBE: Object; form. 7 Q. (By Mr. Dube) You may answer. 8 THE WITNESS: For me, I hadn't typically seen it. 9 But I hadn't investigated the numbers compared to other 10 investigators. 11 Q. (By Mr. Dube) Okay. So you notice the two gunshot 12 wounds to the back. And then, were there any additional 13 gunshot wounds? 14 A. To -- One of the armpit areas. 15 Q. If I say the left, would that -- 16 A. I believe it is left. Yes, sir. 17 Q. And going back a little bit. This time you knew that 18 the officer involved was Officer Saldivar; correct? 19 A. Yes. 20 Q. And you stated before that, you had worked another 21 shooting involving him that year; correct? 22 A. Yes, sir. 23 Q. Okay. So that was the second shooting involving 24 officer Saldivar that you had worked for that year? 25 A. Yes, sir.</p>	<p style="text-align: right;">45</p> <p>1 back of your mind. You do. Because you can't be -- You have 2 to be open to everything. That's one thing -- I mean -- 3 Because I even teach CID Basic at our police Academy. 4 And that's one thing I teach is, keep an open mind. 5 Keep everything there. And that's why you have your partners 6 with you. They'll see things that you may not. They think of 7 things that you may not. 8 Q. (By Mr. Dube) Have you -- Like, so let me ask this 9 question: At the time that you come in, you realize officer 10 Saldivar second shooting, shooting in the back. Do you have 11 any opinions, at that time, as to what occurred? 12 A. No. 13 Q. Okay. Because your mind is still open at that time? 14 A. Yes. Because I -- At this time I hadn't even seen 15 the body cam footage. I hadn't seen anything. And I hadn't -- 16 We hadn't done the walk through. So I didn't know anything 17 other than what we're doing at that point. 18 Q. So we're going to get to the body cam footage and the 19 dash cam footage. Prior to watching the footage of the body 20 cam and the dash cam, do you recall anything else you did at 21 the scene? 22 A. We just -- We did a non-recorded walk through. 23 Q. Okay. 24 A. Which it's pretty self explanatory. It's not 25 recorded, sound wise. I can't remember if our -- Sometimes</p>

<p style="text-align: right;">46</p> <p>1 TMPA Attorney Cagle allows them to videotape the walk through 2 as long as there's no sound recorded. So I can't remember that 3 night if it was or not. 4 But we just, basically, what we had done is we had 5 officer Saldivar with all of us gathered around. And when I 6 mean all of us, I'm talking about myself, My sergeant, the 7 internal affairs, the Harris County DAs Office, attorney, and 8 the investigators, Officer Saldivar and his attorney and, 9 basically, he just walks through what happened. 10 Q. But did that occur before or after you'd watched the 11 video? 12 A. That was before the video. I know the video was 13 played, but I couldn't see it. 14 Q. Okay. So the video was played. So this is -- Let me 15 ask the question. 16 A. Yes, sir. 17 Q. Was that before or after Officer Saldivar has seen 18 the video? 19 A. I don't know when he saw the video. 20 Q. Review your report, sir. And your report would be 21 the most accurate reflection of what occurred; is that correct? 22 MR. GILES: Objection; form. 23 THE WITNESS: Just so I understand, what are you -- 24 What are you asking? 25 Q (By Mr. Dube) I'm asking, you know, if Officer</p>	<p style="text-align: right;">48</p> <p>1 we got to all sidetracked there, was: Do you recall if you did 2 anything in between the time that you, you know, any time 3 before you guys watched the video of what occurred? Anything 4 else that you haven't told me yet? 5 A. No, sir. 6 Q. Okay. So at what point did Sergeant -- is it, White? 7 Come back with the video? 8 A. It was that evening. As for the time, sir, I -- It 9 doesn't take very long so. I couldn't tell you the time. I 10 know the body car left -- I can tell you it departed at 10:35, 11 so it's sometime after that. 12 Q. Okay. Would you recall around what time the shooting 13 itself occurred? 14 A. It was -- I think it was eight something. 7:30. 15 Approximately 7:30. 16 Q. Okay. Which makes sense because that's the time you 17 are canvassing for -- 18 A. Yes. 19 Q. -- the robbery; correct? 20 A. Yes, sir. 21 Q. Is there a reason why, prior to Officer White coming 22 with the video that you did not speak to -- strike that. When 23 you catalog Officer Saldivar's weapon, did you ask him any 24 questions as to what happened with the shooting? 25 A. No, sir. No.</p>
<p style="text-align: right;">47</p> <p>1 Saldivar did the non-record walk- through before or after he 2 had seen the video of the shooting? 3 MR. GILES: Objection; form. 4 THE WITNESS: I don't -- okay, yeah. There it is. I 5 apologize. Yes, they were allowed to watch it. Yes, sir. I 6 apologize for that. 7 Q (By Mr. Dube) No, no worries. It was five years ago. 8 So I -- There's no apology necessary. But the report would be 9 the most accurate -- 10 A. Yes, sir. 11 MR. GILES: Wait till he finishes the question before 12 you get -- start giving the answers; all right? 13 THE WITNESS: Yes, sir. Sorry. 14 MR. GILES: Objection; form, for that one. 15 Q (By Mr. Dube) Let me ask the question again. Was the 16 report -- Is there a report more accurate as to what occurred 17 and it's sequence of what occurred than your memory today? 18 MR. GILES: Objection; form. 19 THE WITNESS: No, it's this report. 20 Q (By Mr. Dube) Is more accurate? 21 A. Yes, sir. 22 Q. So Officer Saldivar had a chance to review the video 23 before the walk-through? 24 A. Yes, sir. 25 Q. Okay. And so -- but my original question, before got</p>	<p style="text-align: right;">49</p> <p>1 Q. Was there any reason why you did not do so? 2 A. Because we don't. 3 Q. Okay. Is that a rule? 4 A. I don't know that it's a rule. It's just something 5 that we don't do because if I want to ask him questions I have 6 to mirandize him and so forth. 7 Q. Was he in custody at the time? 8 A. No, but if it's something I want to use, I do that. 9 That's just my rule of thumb. 10 Q. Okay. Did you mirandize him when you begin asking 11 him questions after you saw the video? 12 MR. GILES: Objection; form. 13 THE WITNESS: I didn't. I spoke with his attorney. 14 Q (By Mr. Dube) Okay. So when did his attorney show up 15 on the scene? Was he there when you came out? 16 A. He showed up there. As to what time that he arrived, 17 if I have it in my report, I'd have to look for it. 18 Q. Was he there before you or after you? 19 A. After me. 20 Q. After you? Okay. Did you attempt to speak to 21 Officer Saldivar prior to the video coming to the scene with 22 Sergeant White? 23 A. No, sir. 24 Q. Is there any reason why? 25 A. Just didn't.</p>

<p style="text-align: right;">50</p> <p>1 Q. Is there, like, a, I guess -- I'm going to start over</p> <p>2 with that question. Is there a process by which you are taught</p> <p>3 to conduct these investigations of officer involved shootings?</p> <p>4 MR. DUBE: Objection; form.</p> <p>5 THE WITNESS: What we normally do is if we go to is</p> <p>6 scene, officer involved shooting, we just go to the original</p> <p>7 reporting officer. Because they are going to have the most</p> <p>8 information. Sometimes the sergeant from patrol is there too.</p> <p>9 Letting us know, you know, hey, this is what happened, along</p> <p>10 with the original reporting officer.</p> <p>11 Basically, just, you know, you overlook the scene,</p> <p>12 you just get a layout of what's going on, you get a -- you make</p> <p>13 your phone calls you need to make. Phone calls to, whether it</p> <p>14 be the District Attorney's Office, to the MEs office, medical</p> <p>15 examiner.</p> <p>16 If you call -- If I'm there before my supervisors, I</p> <p>17 call my supervisors to let them know, hey, this is what's going</p> <p>18 on here. I need additional help. As for the officer itself</p> <p>19 making contact with them, they have their attorney. We do it</p> <p>20 through the attorney. They write -- because they write their</p> <p>21 statement through their attorney, through internal affairs.</p> <p>22 And we get copy of it from internal affairs.</p> <p>23 And then if we have discrepancies, we contact the</p> <p>24 attorney. Hey, can you see if you can find something out about</p> <p>25 this discrepancy here, this or that. We do it all through</p>	<p style="text-align: right;">52</p> <p>1 shooting. And there's another individual who's present at the</p> <p>2 scene who, you know, is the shooter from either witness</p> <p>3 accounts, from own person's accounts. But you, at that time,</p> <p>4 don't know what had occurred or how the shooting occurred.</p> <p>5 What would your -- What steps would you take at that time?</p> <p>6 MR. GILES: Objection; form.</p> <p>7 THE WITNESS: Well it depends. A second person being</p> <p>8 at the scene, I mean, if they're a witness, then they're</p> <p>9 treated as a witness.</p> <p>10 Q (By Mr. Dube) I'm sorry maybe I didn't say what I was</p> <p>11 thinking.</p> <p>12 A. Okay.</p> <p>13 Q. The person, you learn, either from another witness or</p> <p>14 from that person themselves, that they were the shooter.</p> <p>15 A. Okay. And --</p> <p>16 Q. And they're still present at the scene.</p> <p>17 A. Okay.</p> <p>18 MR. GILES: Objection; form.</p> <p>19 THE WITNESS: At that time, they are -- If we learn</p> <p>20 that they are the shooter, and they're there at the scene, then</p> <p>21 they're not allowed free to go. And they're going to be</p> <p>22 detained. I'll mirandize them as well.</p> <p>23 Q (By Mr. Dube) Okay. Thank you.</p> <p>24 A. Yes, sir.</p> <p>25 Q. So now, we're at the walk-through now.</p>
<p style="text-align: right;">51</p> <p>1 there, we don't talk to the officer.</p> <p>2 Q (By Mr. Dube) How is that different from, I guess, a</p> <p>3 shooting that does not involve an officer?</p> <p>4 MR. GILES: Objection; form.</p> <p>5 THE WITNESS: If we are working just a regular</p> <p>6 shooting out there in the streets and we're able to develop a</p> <p>7 suspect either through, the person isn't dead, they are able to</p> <p>8 provide who it is. And we build the case from there.</p> <p>9 Or if the person is deceased, we build a case from</p> <p>10 the ground up. And whenever we finally get to a person of</p> <p>11 interest, and more than likely, nine times out of ten, they're</p> <p>12 in custody. And you got to mirandize them.</p> <p>13 Q (By Mr. Dube) And you attempt to speak to them?</p> <p>14 A. Yes.</p> <p>15 Q. You say, nine times out of ten they'll be in custody?</p> <p>16 A. Yeah.</p> <p>17 Q. What if the person is at the scene, but not yet in</p> <p>18 custody? Because you're trying to figure out what occurred.</p> <p>19 What would the process be then?</p> <p>20 MR. GILES: Objection; form.</p> <p>21 THE WITNESS: That's kind of really vague, that one.</p> <p>22 Can you maybe --</p> <p>23 Q (By Mr. Dube) Sure. I can. So there's a shooting.</p> <p>24 A. Okay.</p> <p>25 Q. And there's somebody who's, I guess, injured from the</p>	<p style="text-align: right;">53</p> <p>1 A. Yes, sir.</p> <p>2 Q. Okay, so tell me about the walk-through. What</p> <p>3 happens at the walk-through? Well, no. We're not at the walk-</p> <p>4 through. We are at the video; right? The video has been</p> <p>5 brought by Sergeant White. So tell me about that. What happens</p> <p>6 at that time?</p> <p>7 A. They played it on a computer. And probably, like,</p> <p>8 the size of that Apple one down there. Something to that size.</p> <p>9 Small laptop computer. And as I put in my report, it was</p> <p>10 difficult to see. I couldn't even see.</p> <p>11 Q. Okay. What was the size of the screen, because --</p> <p>12 A. It was very small.</p> <p>13 Q. About ten to 12 inches?</p> <p>14 A. Yeah. Very small screen.</p> <p>15 Q. Okay. But officer -- So who was there at the time</p> <p>16 the video is being played?</p> <p>17 A. Well, I have it here in the report. His attorney,</p> <p>18 Cagle, Officer Saldivar, the IAD sergeants and myself.</p> <p>19 Q. And the report you are looking at is what's been</p> <p>20 marked as plaintiff's Exhibit No. 1; is that correct? It's in</p> <p>21 the first page.</p> <p>22 A. Yes, sir.</p> <p>23 Q. Any objection to moving the report to evidence?</p> <p>24 MR. GILES: No.</p> <p>25 MR. DUBE: We'll move it into evidence. Go ahead,</p>

<p style="text-align: right;">54</p> <p>1 sir.</p> <p>2 (Exhibit 1 marked)</p> <p>3 THE WITNESS: They played it -- it was, like, a very</p> <p>4 small laptop. Very small laptop. It was very difficult to</p> <p>5 see. I could not even get a good view of it. So at that time,</p> <p>6 we all exited the vehicle and allowed Officer Saldivar and his</p> <p>7 attorney to be in there.</p> <p>8 Q. Is it a common procedure to wait for the video before</p> <p>9 the walk-through?</p> <p>10 MR. GILES: Objection; form.</p> <p>11 THE WITNESS: At that time, this was -- these were --</p> <p>12 these were new, the body cams. We just got these body cams in</p> <p>13 2016, 2015. And I don't know how many of them we had prior to</p> <p>14 -- not very many -- that we had prior to body cams. I mean, I</p> <p>15 apologize. Since the body cams came out on patrol, we didn't</p> <p>16 have very many officer involved shootings.</p> <p>17 Q (By Mr. Dube) There'd been a couple.</p> <p>18 A. But, I mean, to where I investigated and I got to see</p> <p>19 the video?</p> <p>20 Q. No. Okay.</p> <p>21 A. This was the first one.</p> <p>22 Q. Okay. So that was your first time dealing with an</p> <p>23 officer involved shooting where there's body cam video</p> <p>24 available?</p> <p>25 A. Where I'm the lead investigator.</p>	<p style="text-align: right;">56</p> <p>1 like, a linebacker stance with his hands at his waist.</p> <p>2 Q (By Mr. Dube) And then?</p> <p>3 A. And that's when he discharged his weapon.</p> <p>4 Q. So during the walk-through, he made the statement of,</p> <p>5 the guy got in the linebacker stance or football stance and</p> <p>6 reached for his waist?</p> <p>7 A. Something like that.</p> <p>8 Q. Okay. So what happened after the walk-through?</p> <p>9 A. We just -- We had to secure the scene for the night.</p> <p>10 It was just, because of the weather.</p> <p>11 Q. And then come back for the morning?</p> <p>12 A. Yes, we came back at daybreak.</p> <p>13 Q. What happened to the videos? Did you get a copy of</p> <p>14 it that night?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Did you watch it that night?</p> <p>17 A. No. I went home and went to bed.</p> <p>18 Q. Good choice.</p> <p>19 A. Yes.</p> <p>20 Q. It was the night before Thanksgiving; correct?</p> <p>21 A. Yes.</p> <p>22 Q. Oh, man. Those poor officers securing the scene.</p> <p>23 A. Yeah. It was -- It rained so they had a hard time</p> <p>24 staying awake probably. I'm kidding because, you know, rain</p> <p>25 will put you to sleep. But no, they had to secure it. I mean,</p>
<p style="text-align: right;">55</p> <p>1 Q. Okay. Did you make a conscious decision to wait for</p> <p>2 the body cam video to come before you asked for the walk-</p> <p>3 through with officer Saldivar?</p> <p>4 A. No, it just -- that's just part of the process is we</p> <p>5 watch -- that we do the walk-through.</p> <p>6 Q. Okay. I was going to say the timing of it.</p> <p>7 A. Oh, the timing? I guess the timing of watching a</p> <p>8 video beforehand? Going through it? That's just -- it just</p> <p>9 happened to be. There was no, hey, we need to wait for this to</p> <p>10 go and do a walk-through.</p> <p>11 Q. Did Officer Saldivar or his attorney ask to wait for</p> <p>12 the video before the walk-through?</p> <p>13 A. Not that I recall.</p> <p>14 Q. So now tell me about the walk-through.</p> <p>15 A. We just -- We didn't actually walk it through. Just</p> <p>16 due to the weather we, kind of, all just stood there in a,</p> <p>17 like, a center point on the street. And he just explained what</p> <p>18 happened.</p> <p>19 Q. And what did he say happened?</p> <p>20 MR. GILES: Objection; form.</p> <p>21 THE WITNESS: That he observed a traffic violation,</p> <p>22 stopped him, the guy took off running, he tried tasing him,</p> <p>23 didn't work. Kept chasing the guy. He either Tased him or the</p> <p>24 guy fell again, one of the two. I can't remember exactly. And</p> <p>25 they fought on the ground and he said the guy got up in a,</p>	<p style="text-align: right;">57</p> <p>1 we had to. We had no choice.</p> <p>2 Q. And how did -- how was the scene secured?</p> <p>3 A. We had evidence tape up and they had their units</p> <p>4 positioned accordingly.</p> <p>5 Q. Like, were there any tents set up over various areas?</p> <p>6 Or anything like that?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 A. It was -- Basically, the next morning, when we came</p> <p>10 back, the area we had concentrated as saving for the night was</p> <p>11 the area that it occurred. Right where the actual shooting</p> <p>12 occurred. That was the area. Because our intention was to</p> <p>13 come back the next day and find the remaining casings.</p> <p>14 Q. Let me back up to something I neglected to ask. What</p> <p>15 was the position of the body when you arrived at the scene?</p> <p>16 A. May I look at --</p> <p>17 Q. Of course. You don't have to ask. If you need to</p> <p>18 look at it for your answer, please go ahead.</p> <p>19 A. Okay. He was laying face down. His head was facing</p> <p>20 to the south, feet to the north. And he was handcuffed with</p> <p>21 his hands behind his back. That's where -- when I arrived.</p> <p>22 Q. Okay. Do you know who handcuffed him?</p> <p>23 A. Officer Salazar.</p> <p>24 Q. Not Saldivar but Saldivar. Do you know his first</p> <p>25 name?</p>

<p style="text-align: right;">58</p> <p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 A. I probably do -- I'm drawing a blank right now.</p> <p>4 Q. No worries. Do you know why he was handcuffed?</p> <p>5 A. No. I'm going to --</p> <p>6 MR. GILES: Objection; form. Speculation.</p> <p>7 THE WITNESS: Based on, you know, seeing the body cam</p> <p>8 footage and everything, Officer Saldivar was telling him to</p> <p>9 handcuff him.</p> <p>10 Q (By Mr. Dube) So Officer Saldivar told him to</p> <p>11 handcuff him?</p> <p>12 MR. GILES: Objection form.</p> <p>13 THE WITNESS: Yes, I believe that's what happened.</p> <p>14 Q (By Mr. Dube) Okay. So now, I guess, let's get to</p> <p>15 the video. When did you first watch the video?</p> <p>16 A. The next day.</p> <p>17 Q. Where were you when you watched it?</p> <p>18 A. In my office. Or in my cubicle. In the detective</p> <p>19 bullpen.</p> <p>20 Q. So you came in on Thanksgiving?</p> <p>21 A. Yes, sir.</p> <p>22 Q. What time was it? Do you recall?</p> <p>23 A. We were there that morning to collect evidence. Left</p> <p>24 and came back in the afternoon.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">60</p> <p>1 Q. Did you watch it at full speed? Did you slow it</p> <p>2 down? What did you do?</p> <p>3 A. I watched it multiple times. And at different</p> <p>4 things.</p> <p>5 Q. Okay. Describe that whole process for me, please.</p> <p>6 A. Sure. I started off with the body cam first because</p> <p>7 that obviously is going to lead to shooting. I just, I watched</p> <p>8 it. Then I watched it again. I probably -- I couldn't even</p> <p>9 tell you how many times I watched it.</p> <p>10 And then I would backtrack just to -- because you</p> <p>11 always pick up something new. One thing that made it easier to</p> <p>12 watch and to view, is turning off all the lights. The best that</p> <p>13 I could upstairs. Close all the blinds to the windows,</p> <p>14 everything. Because that gives you the best view being able to</p> <p>15 see it.</p> <p>16 Q. That's a good tip, thank you. Did you watch at</p> <p>17 multiple speeds?</p> <p>18 A. No. I just had on the one. I have a second screen -</p> <p>19 -</p> <p>20 Q. No, not multiple screens, multiple speeds.</p> <p>21 A. Oh, multiple speeds. You got the -- the player I</p> <p>22 watched it on was that VLC. I used that player. And it has</p> <p>23 frame by frame.</p> <p>24 Q. So you watched it, at some point, frame by frame?</p> <p>25 A. Yes, sir. And then you can -- It has a playback</p>
<p style="text-align: right;">59</p> <p>1 A. Late afternoon.</p> <p>2 Q. What's the bullpen?</p> <p>3 A. Is our -- It's what we call the area where all the</p> <p>4 detectives have their cubicles. It's one big giant room with</p> <p>5 cubicle desks in it. We just call it the bullpen.</p> <p>6 Q. I'm picturing The Wire with McNulty and all of them</p> <p>7 in the various areas. Is that --</p> <p>8 A. It's just a bunch of cubicles where the guys all have</p> <p>9 their desks. We don't get our own office.</p> <p>10 Q. Is there a wall with ties that have been cut when</p> <p>11 people fell asleep?</p> <p>12 A. No.</p> <p>13 Q. That's from The Wire.</p> <p>14 A. Yeah. I know, yeah. That's a good show.</p> <p>15 Q. Okay. So is there, like, a video center or was it --</p> <p>16 Did you watch at your desk?</p> <p>17 A. I watched it at my desk.</p> <p>18 Q. Describe your setup. Your video setup.</p> <p>19 A. I got a 34" ultrawide Dell monitor.</p> <p>20 Q. Okay.</p> <p>21 A. And that's what I watched it on.</p> <p>22 Q. Nice screen.</p> <p>23 A. Yes, sir.</p> <p>24 Q. Which video did you watch first; do you recall?</p> <p>25 A. Body cam.</p>	<p style="text-align: right;">61</p> <p>1 speed. Now, mind you, I've got another computer since then so</p> <p>2 I'm still trying to configure -- Because now you have to get</p> <p>3 permission to download everything from your IT.</p> <p>4 So I just finally got permission to get VLC so I got</p> <p>5 to build it back up. But there's -- at the time the VLC I had,</p> <p>6 I could control the speed, I could do frame by frame and so</p> <p>7 forth.</p> <p>8 Q. Okay.</p> <p>9 A. And so now, I gotta work on getting it back to --</p> <p>10 Q. Getting it back to your set up.</p> <p>11 A. Yes, sir.</p> <p>12 Q. You had the good set up back then.</p> <p>13 A. In my mind. I mean, I'm not technology savvy so in</p> <p>14 my mind I thought I was cool.</p> <p>15 Q. So after you watched the body cam video, did you</p> <p>16 watch the dash cam as well?</p> <p>17 A. Yes. The reason why I watched the dash cam --</p> <p>18 because originally, I mean, I was going to watch it. I think</p> <p>19 the original one is, like, three hours long. And Sergeant</p> <p>20 White had trimmed it down.</p> <p>21 I wanted -- because when I was watching it, in the</p> <p>22 beginning, when he makes the traffic stop and contacts him, I</p> <p>23 see him bend down and down to pick something up. Which I</p> <p>24 believe was not captured on the body, but it was captured on</p> <p>25 the dash cam. And so, yes, I did watch the dash cam.</p>

<p style="text-align: right;">62</p> <p>1 Q. Did watching it frame by frame help? Did you figure</p> <p>2 out what happened?</p> <p>3 MR. GILES: Objection; form.</p> <p>4 THE WITNESS: Which part of the video, sir?</p> <p>5 Q (By Mr. Dube) Of the body cam video.</p> <p>6 A. The end of it? Yes, sir.</p> <p>7 Q. Okay. The end meaning the shooting. The actual</p> <p>8 shooting.</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. What did you do after you watched the video?</p> <p>11 A. Called my sergeant.</p> <p>12 Q. What did you tell him?</p> <p>13 A. What I observed on the video.</p> <p>14 Q. And what was that?</p> <p>15 MR. GILES: Objection; form.</p> <p>16 THE WITNESS: That he needed to come and see this.</p> <p>17 Q (By Mr. Dube) Why?</p> <p>18 A. Because what I'm seeing on video didn't match the</p> <p>19 story he gave in the walk-through.</p> <p>20 Q. So you watched the video. And you came up to a</p> <p>21 conclusion.</p> <p>22 A. Initially, yes.</p> <p>23 Q. And what was that conclusion?</p> <p>24 A. Why did he shoot?</p> <p>25 Q. Why did you come up to that conclusion? What facts</p>	<p style="text-align: right;">64</p> <p>1 it all. He may have come in that night. I'm try -- Right now,</p> <p>2 I can't remember. I'm sorry.</p> <p>3 Q. So what did he -- What did he say to you when you</p> <p>4 said, hey, I'm not observing what he said in the walk-through</p> <p>5 when I watch this video. What did your sergeant say?</p> <p>6 A. Something along the lines, are you sure? I said,</p> <p>7 yes, sir. He said, just keep working the case. Pretty much.</p> <p>8 Just keep going. Keep working at.</p> <p>9 Q. Was it hard for you to come to the conclusion that</p> <p>10 what you saw in the video did not match what Officer Saldivar</p> <p>11 stated in the walk-through?</p> <p>12 MR. SELBE: Object; form.</p> <p>13 MR. GILES: Objection; form.</p> <p>14 THE WITNESS: What -- What are you asking? I want to</p> <p>15 make sure I answer this right.</p> <p>16 Q (By Mr. Dube) Just basically, like, you know -- So</p> <p>17 when you watch the video --</p> <p>18 A. Yes, sir.</p> <p>19 Q. -- was it fairly clear to you, you know, immediately,</p> <p>20 that what you saw in the video is not what was reported in the</p> <p>21 walk-through?</p> <p>22 MR. GILES: Objection; form.</p> <p>23 THE WITNESS: It wasn't, like, immediately boom, it</p> <p>24 stands out. No. You had to take, like I said, you had to --</p> <p>25 When I put in my report about the small screen, you really</p>
<p style="text-align: right;">63</p> <p>1 did you observe that made you come up to that conclusion?</p> <p>2 MR. GILES: Objection; form.</p> <p>3 THE WITNESS: I didn't observe what he was saying.</p> <p>4 Is it possible? Sure. I didn't observe what he had said in</p> <p>5 that walk-through.</p> <p>6 Q. Okay. So what he has said in the walk-through and</p> <p>7 what you observed in the video were different?</p> <p>8 A. Yes.</p> <p>9 Q. So did you feel that what he had said in the walk-</p> <p>10 through was untrue?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 A. I just -- It was different.</p> <p>14 Q. Different. Okay. What had he said in the walk-</p> <p>15 through that was different from what you saw in the video?</p> <p>16 A. He talked about how the guy got in, like, a</p> <p>17 linebacker stance. Hands at the waist. I did not see that.</p> <p>18 Q. Is that why you called your sergeant?</p> <p>19 A. Yes, sir.</p> <p>20 Q. What did your Sergeant do?</p> <p>21 MR. GILES: Objection; form.</p> <p>22 Q (By Mr. Dube) Did he come in?</p> <p>23 A. Trying to remember if he came in that night. I know</p> <p>24 I was there quite late. I know I was there -- I went home for</p> <p>25 a few hours. And came back the next morning. We went through</p>	<p style="text-align: right;">65</p> <p>1 can't see much. You really can't. Okay? I got the best</p> <p>2 picture putting it on a newer screen like that, a bigger</p> <p>3 screen, turning the lights off.</p> <p>4 Because, at first, when I was watching it, the lights</p> <p>5 were on, the blinds were open, so you got all this stuff. And,</p> <p>6 you know, on any monitor, you're sitting there, there's a</p> <p>7 glare. I'm, like, I have to make sure I'm doing this right. I</p> <p>8 gotta make sure everything is done correctly.</p> <p>9 I'm, like, I'm the only one here right now. I'm</p> <p>10 turning the lights off, I closed all the blinds. I wanted it</p> <p>11 as dark as possible. And because I didn't have a 4K retinal</p> <p>12 display monitor handy. Which if I had that, I would've been a</p> <p>13 lot better. But I knew I had this and that's when I could</p> <p>14 start seeing this stuff.</p> <p>15 That's when I could start seeing -- Okay, you gotta</p> <p>16 take your time and watch it. And you can orientate yourself</p> <p>17 with the picture, remembering how the scene is so you kind of</p> <p>18 know where everything is that you are seeing on there. Then it</p> <p>19 all starts coming together.</p> <p>20 Q. Okay. And what did you see on the -- in the video as</p> <p>21 you watched it?</p> <p>22 MR. GILES: Objection; form.</p> <p>23 THE WITNESS: What I saw was Schenk almost, like,</p> <p>24 turning away. Or he's in a, like, a bear crawl or, like, even</p> <p>25 a runner or a track stance. Something like that. He's on all</p>

<p style="text-align: right;">66</p> <p>1 fours. And he's getting up to run away. He is trying to get 2 up and run away, like he had been. 3 Q (By Mr. Dube) So he's on all fours. Is he facing 4 away from Officer Saldivar? 5 A. Yes. 6 MR. GILES: Objection; form. 7 Q (By Mr. Dube) Okay. Did you see the shots in the 8 video? 9 A. You could -- I know there's one flash for sure. I 10 can't remember if there's more than one flash, but you can see 11 puffs of smoke. 12 Q. How many puffs of smoke did you see? 13 A. I believe we counted four or five. 14 Q. Which one? That's important. 15 A. Okay. Well, because here's the reason why. Because 16 we didn't notice it until we saw the flash and then after that 17 you can see the puffs of smoke. 18 Q. Okay. 19 A. So I want to say it was four. But, I mean, I'd have 20 to watch the video again, to be honest with you, sir. 21 Q. You will. 22 A. Okay. 23 Q. You will at some point today. But right now, I'm 24 just trying to see if you recall. So you saw that Mr. Schenk 25 was on all fours facing away from officer Saldivar when he was</p>	<p style="text-align: right;">68</p> <p>1 A. Yes. 2 Q. Okay. Do you know the date of that deposition? I 3 think I have it is July 14, 2021. 4 A. Yes. 5 Q. Okay. Much closer to the shooting date than today; 6 correct? 7 A. Correct. 8 Q. If you could turn to page 61 for me, please, sir. 9 A. I'm sorry what -- 10 Q. Page 61. 11 A. 61. Yes, sir. 12 Q. If you could look at lines 12 to 23. I'll just read 13 it for you. Or you can read it and then I'll -- Let me know 14 when you're done reading it. 15 A. Okay. 16 Q. Okay. And you see it says: 17 "QUESTION: So that Thanksgiving morning, after you 18 formed an opinion regarding the position of the victim's body, 19 at the time Officer Saldivar began shooting, did you form any 20 opinion as to the portion of the victim's body that was hit 21 first with round shot by Officer Saldivar?" That was the 22 question. Do you see that? 23 A. Yes, sir. 24 Q. And the answer is: 25 "ANSWER: Yes, I have my own opinion in what I</p>
<p style="text-align: right;">67</p> <p>1 shot; right? 2 MR. GILES: Objection; form. 3 THE WITNESS: Yes, sir. 4 Q (By Mr. Dube) Okay. Did you -- Could you tell where 5 the first shot hit him? 6 A. No, sir. 7 Q. Okay. Let's go off the record for five minutes, 8 please. 9 MR. GILES: Sure. 10 VIDEOGRAPHER: Off the record at 11:41. 11 (Lunch from 11:41am to 12:33) 12 VIDEOGRAPHER: Back on the record at 12:33. 13 Q (By Mr. Dube) We're back from lunch. Nothing's 14 changed in terms of, like, you're still in a mind frame to give 15 clear and truthful testimony; correct? 16 A. Yes, sir. 17 Q. Before the break, I asked, you know, if you recall 18 where Mr. Schenk had first been struck at the shooting. Do you 19 recall me asking that question? 20 A. Yes. 21 Q. I have before you what's been previously marked as 22 Exhibit No. 2. 23 It's a transcript of your deposition that you 24 previously took in the Schenk case. Do you recall that? 25 (Exhibit 2 marked)</p>	<p style="text-align: right;">69</p> <p>1 thought it could be, yes, sir." 2 And the next question: 3 "QUESTION: And what was your opinion at that time? 4 And the answer: 5 "ANSWER: I was thinking he got shot in the back 6 first." Do you see that? 7 A. Yes, sir. 8 Q. Okay. Does that refresh your recollection as to 9 where you -- 10 MR. GILES: Objection; form. 11 Q (By Mr. Dube) -- thought he got shot at the time? 12 A. Yes, sir. 13 Q. Okay. Where was he shot? 14 MR. GILES: Objection; form. 15 Q (By Mr. Dube) First struck? 16 A. Now that is worded differently than the question you 17 asked me. 18 Q. Okay. What's the wording -- How is the wording 19 different? 20 A. Because you asked, if I remember correctly -- You 21 said, did you see where the first shot struck. And no, I 22 couldn't see that. That's why I answered it that way. 23 Q. Okay. So did you form an opinion as to where you 24 thought the shot was struck? 25 A. Yes.</p>

<p style="text-align: right;">70</p> <p>1 MR. GILES: Objection; form.</p> <p>2 THE WITNESS: Yes. The opinion was that he was shot</p> <p>3 in the back.</p> <p>4 Q. Why was that your opinion?</p> <p>5 A. Because that's where the rounds struck.</p> <p>6 Q. Please expedite a little bit more for me.</p> <p>7 MR. GILES: Objection; form.</p> <p>8 THE WITNESS: The autopsy shows that the rounds</p> <p>9 struck him in the back.</p> <p>10 Q (By Mr. Dube) Okay.</p> <p>11 A. And then -- And then two of them there and then one</p> <p>12 was in the armpit area. It's, like, kind of, like, on the</p> <p>13 backside of the armpit area. Yeah, that would be an opinion</p> <p>14 that he was shot in the back. That's where the rounds struck.</p> <p>15 Q. Okay. And I think the question was where he was</p> <p>16 first struck.</p> <p>17 A. It's my opinion in the back, yes, sir. I mean I</p> <p>18 can't tell you where the first round struck.</p> <p>19 Q. I guess it was basically body positioning. Like,</p> <p>20 what did you see that made you have that --</p> <p>21 A. Okay. Now, I understand what you're asking. From my</p> <p>22 opinion of watching the video, from when I can see on the video</p> <p>23 of the flash and the puffs of smoke, his back was towards him.</p> <p>24 Q. Okay. So at the time you saw the flash is when you</p> <p>25 think is the gun being shot; correct? And his body</p>	<p style="text-align: right;">72</p> <p>1 what I was seeing. And how it wasn't adding up to what we were</p> <p>2 told during the walk-through. And he just told me to keep</p> <p>3 doing it, you know. Do what's right. Find -- just get as much</p> <p>4 information as you can.</p> <p>5 Q. How much detail did you provide him, in terms of what</p> <p>6 you saw?</p> <p>7 A. What I saw in the video. I just -- I told him what I</p> <p>8 saw.</p> <p>9 Q. And, I guess, maybe it's the lunch break and my</p> <p>10 burger is affecting my memory. What -- Can you explain again</p> <p>11 what you saw and what you told him you saw?</p> <p>12 MR. GILES: Objection; form.</p> <p>13 THE WITNESS: What I saw in the video, in my opinion</p> <p>14 and he's, like, on hands and knees or bear crawl type, track</p> <p>15 type, starting stance and then he's trying to get away from --</p> <p>16 Q (By Mr. Dube) You did say that.</p> <p>17 A. -- Officer Saldivar.</p> <p>18 Q. -- you did that before, I'm sorry.</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. So what was the next thing you did?</p> <p>21 A. After I contacted my supervisor?</p> <p>22 Q. Yes.</p> <p>23 A. Just -- Just kept watching the video making sure I</p> <p>24 saw everything that I could see, in my opinion. And to start</p> <p>25 writing reports, getting baseline of stuff I needed to follow-</p>
<p style="text-align: right;">71</p> <p>1 positioning, at that time, makes you believe that he was shot</p> <p>2 in the back first?</p> <p>3 MR. GILES: Objection; form.</p> <p>4 THE WITNESS: Yes. My opinion, yes.</p> <p>5 Q (By Mr. Dube) Okay. And prior to the break, you said</p> <p>6 when you watched the video you had a thought that, why did he</p> <p>7 shoot; correct?</p> <p>8 A. Yes, sir. That was a question that -- When you're</p> <p>9 watching the video, you are forming questions that you need to</p> <p>10 answer. So that was one, yes, sir.</p> <p>11 Q. And did you see a reason for Officer Saldivar to</p> <p>12 shoot Mr. Schenk, in your opinion, at the time he first fired?</p> <p>13 MR. GILES: Objection; form.</p> <p>14 MR. SELBE: Object; form.</p> <p>15 THE WITNESS: In my opinion, I didn't find one right</p> <p>16 away, no.</p> <p>17 Q (By Mr. Dube) Okay. At the time that Officer</p> <p>18 Saldivar shot at Mr. Schenk, was he, in your opinion, in a</p> <p>19 linebacker stance reaching for his waistband?</p> <p>20 A. In my opinion, I did not observe that in the video.</p> <p>21 Q. Okay. And so what did you do -- So you called your</p> <p>22 supervisor; correct?</p> <p>23 A. Correct.</p> <p>24 Q. And you -- What exactly did you tell him?</p> <p>25 A. I told him what I was -- what I saw in the video,</p>	<p style="text-align: right;">73</p> <p>1 up on.</p> <p>2 Q. At what point did you -- well -- Did you go to the</p> <p>3 Medical Examiner's Office, at some point?</p> <p>4 A. Yes, on Friday. The following day.</p> <p>5 Q. Okay. And tell us about that trip. What did you do</p> <p>6 there?</p> <p>7 A. I met with the medical examiner then just gave him a</p> <p>8 quick synopsis of what the case was. Officer involved</p> <p>9 shooting. And that I was there to see if there's any evidence</p> <p>10 recovered from his body.</p> <p>11 Q. And what did you learn?</p> <p>12 A. I recovered the handcuffs because they didn't want to</p> <p>13 keep them. I believe they recovered a couple of the</p> <p>14 projectiles. And no other items of contraband were found on</p> <p>15 his person.</p> <p>16 Q. Okay. And there's no weapon found on his person?</p> <p>17 A. No.</p> <p>18 Q. And you learned that at the Medical Examiner's</p> <p>19 Office? That Friday?</p> <p>20 A. Yes, sir.</p> <p>21 Q. So after -- Did you inform anybody else of your</p> <p>22 conclusion that what Officer Saldivar had stated in his walk-</p> <p>23 through was different from what you had observed in the video?</p> <p>24 MR. GILES: Objection; form.</p> <p>25 THE WITNESS: When?</p>

<p style="text-align: right;">74</p> <p>1 Q (By Mr. Dube) Immediately after that night. That</p> <p>2 Friday night.</p> <p>3 A. No. I just informed my sergeant.</p> <p>4 Q. Okay. Did you have an opinion, at that time, after</p> <p>5 watching the video and getting the report from the medical</p> <p>6 examiner, as to whether or not the force used by Officer</p> <p>7 Saldivar was reasonable, at the time?</p> <p>8 MR. GILES: Objection; form.</p> <p>9 THE WITNESS: I had an opinion starting to develop.</p> <p>10 Q (By Mr. Dube) And what was that opinion?</p> <p>11 MR. GILES: Objection; form.</p> <p>12 THE WITNESS: At the time, my opinion I was starting</p> <p>13 to develop, was excessive.</p> <p>14 Q (By Mr. Dube) That the force used was excessive?</p> <p>15 MR. GILES: Objection; form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 Q (By Mr. Dube) Why was that the opinion you were</p> <p>18 starting to come to?</p> <p>19 MR. GILES: Objection; form.</p> <p>20 THE WITNESS: You take the totality of everything</p> <p>21 that I had at that point. I mean, this is just the beginning</p> <p>22 of the investigation. But the totality of what I had so far,</p> <p>23 in my opinion, was that he did not have a weapon. He fired</p> <p>24 upon this guy.</p> <p>25 I did not see what he was describing in the video.</p>	<p style="text-align: right;">76</p> <p>1 you'd seen in the video did not match what Officer Saldivar had</p> <p>2 said?</p> <p>3 MR. GILES: Objection; form.</p> <p>4 THE WITNESS: He just told me to keep working it.</p> <p>5 Doing what's right. Let's get the facts that we can get</p> <p>6 through this investigation.</p> <p>7 Q (By Mr. Dube) Did you ever watch -- Did you watch the</p> <p>8 video with him at some point?</p> <p>9 A. Yes, I did.</p> <p>10 Q. When was that?</p> <p>11 A. Monday morning.</p> <p>12 Q. Okay.</p> <p>13 A. Or Monday sometime. I believe it was -- I believe it</p> <p>14 was still morning time.</p> <p>15 Q. Did you do anything that weekend regarding the</p> <p>16 investigation.</p> <p>17 A. Oh, yes.</p> <p>18 Q. What did you do?</p> <p>19 A. A lot of typing. A lot of getting -- just kind of</p> <p>20 getting, like, a structure of how I was going to work my case</p> <p>21 and so forth. You know, and writing down notes of, okay, this</p> <p>22 is what I need to do. I need to do this, I need to do that. I</p> <p>23 need to follow-up with this.</p> <p>24 Q. Can you give me some example of some of the stuff you</p> <p>25 would have done?</p>
<p style="text-align: right;">75</p> <p>1 I'm not saying it didn't happen, but I'm saying, I didn't see</p> <p>2 what Officer Saldivar was describing. I could only see what I</p> <p>3 saw on the video.</p> <p>4 And so when he discharged his weapon, in my opinion,</p> <p>5 he was not a threat at that time. But, once again, that's me</p> <p>6 watching it on the video.</p> <p>7 Q (By Mr. Dube) Did you ever affirm at that conclusion?</p> <p>8 As to whether or not the force used was unreasonable?</p> <p>9 MR. GILES: Objection; form.</p> <p>10 THE WITNESS: When -- When I completed my</p> <p>11 investigation, that was -- that's my opinion. Yes, sir.</p> <p>12 Q (By Mr. Dube) So it's your opinion that the force</p> <p>13 used against Mr. Schenk was unreasonable?</p> <p>14 MR. GILES: Objection; form.</p> <p>15 THE WITNESS: My opinion was that it was excessive.</p> <p>16 Q (By Mr. Dube) It was excessive.</p> <p>17 A. Yes, sir.</p> <p>18 Q. That's probably a better word.</p> <p>19 A. Yes, sir.</p> <p>20 Q. So what did your sergeant do next?</p> <p>21 MR. GILES: Objection; form.</p> <p>22 Q (By Mr. Dube) After you told him -- Let me re-ask the</p> <p>23 question.</p> <p>24 In relationship to this investigation, What did</p> <p>25 Sergeant Skripka do next, after you informed him that what</p>	<p style="text-align: right;">77</p> <p>1 A. Like, when I started on Thursday, going to the MEs</p> <p>2 office, see what, you know, see we found there. Re-canvas</p> <p>3 during daytime for any possible cameras. Make sure officers</p> <p>4 have written their supplement reports. Make sure the original</p> <p>5 report was completed. Getting with the crime scene unit to get</p> <p>6 copy of the photos they took.</p> <p>7 Another thing is make sure I call the MEs office and</p> <p>8 request an order of the autopsy and their photos. It's just</p> <p>9 stuff that I do and then I ultimately I started typing.</p> <p>10 Q. Okay. And that gets us to Monday morning or Monday.</p> <p>11 And you spoke to Sergeant Skripka.</p> <p>12 A. Yes.</p> <p>13 Q. And you guys watched the video?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Tell me about that.</p> <p>16 A. I just said, here watch the video on my screen. Told</p> <p>17 everybody up there in the detective bullpen, sorry, lights are</p> <p>18 going off for a moment. And it's just him watching it. I'm</p> <p>19 there with him.</p> <p>20 We didn't let anybody else come and watch it. And I</p> <p>21 played it for him and I just let him watch it and let him form</p> <p>22 his opinion on it.</p> <p>23 Q. Did you slow it down for him and go frame by frame?</p> <p>24 A. Yes, sir. I did.</p> <p>25 Q. And did he form an opinion as to what occurred?</p>

<p style="text-align: right;">78</p> <p>1 MR. GILES: Objection; form.</p> <p>2 Q (By Mr. Dube) That he expressed to you?</p> <p>3 A. He told me that he -- He goes, I see what you're</p> <p>4 seeing. I see it.</p> <p>5 Q. And what was -- did he say anything else, like --</p> <p>6 MR. GILES: Objection; form.</p> <p>7 Q (By Mr. Dube) So he said he saw what you saw?</p> <p>8 MR. GILES: Objection; form.</p> <p>9 Q (By Mr. Dube) Which is that Officer Saldivar story of</p> <p>10 what happened, of what occurred in the video is different.</p> <p>11 MR. GILES: Objection; form.</p> <p>12 THE WITNESS: No -- What we saw -- What he's says, I</p> <p>13 see what you saw, is how the decedent was trying to get away.</p> <p>14 In the position he was in, trying to get away. How he could</p> <p>15 see the flash. You could see the puffs of smoke. He saw that</p> <p>16 and he goes, yes, from what we're seeing that's excessive. But</p> <p>17 he kept telling me, just keep working at. Keep getting it.</p> <p>18 Keep digging in there, find the facts. Just don't stop.</p> <p>19 Q (By Mr. Dube) So from the video that you showed him,</p> <p>20 he could see that Mr. Schenk was on his hands and knees going</p> <p>21 away from Officer Saldivar, at the time of the shooting;</p> <p>22 correct?</p> <p>23 MR. GILES: Objection; form.</p> <p>24 MR. SELBE: Object; form.</p> <p>25 Q (By Mr. Dube) You may answer.</p>	<p style="text-align: right;">80</p> <p>1 Q. Do you know if Sergeant Skripka had spoken to him as</p> <p>2 to what you and he observed in the video?</p> <p>3 A. Not that I know of, but I just don't know.</p> <p>4 Q. So then, he came to you and he is the head of</p> <p>5 internal affairs?</p> <p>6 A. No, he was the lead investigator for this case. I</p> <p>7 don't know if he was the head of it or not. He was the lead</p> <p>8 for this case.</p> <p>9 Q. So he was the lead investigator for this case for</p> <p>10 internal affairs?</p> <p>11 A. Yes.</p> <p>12 Q. And he came to you and he asked how you were</p> <p>13 progressing?</p> <p>14 A. Yes. He wanted an update as to how I was progressing</p> <p>15 my case and what I saw in the video.</p> <p>16 Q. And did you -- What did you tell him?</p> <p>17 A. I showed him what I saw.</p> <p>18 Q. Okay. So you played the video for him?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Did you play it frame by frame?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And did you narrate it as you played it?</p> <p>23 A. I explained to him what I was seeing. Is that what</p> <p>24 you're asking?</p> <p>25 Q. That's what I'm asking.</p>
<p style="text-align: right;">79</p> <p>1 A. Yes, sir.</p> <p>2 Q. Okay. He could see that the shooting started at the</p> <p>3 time that Mr. Schenk was on his hands and knees --</p> <p>4 MR. GILES: Objection; form.</p> <p>5 Q (By Mr. Dube) -- going away from Officer Saldivar;</p> <p>6 correct?</p> <p>7 A. Correct. Yeah.</p> <p>8 Q. Okay. He also concurred with your opinion that the</p> <p>9 shooting was excessive?</p> <p>10 MR. GILES: Objection; form.</p> <p>11 Q (By Mr. Dube) Excessive force?</p> <p>12 A. Yes, sir.</p> <p>13 Q. What happened next?</p> <p>14 A. I know at some point that day, Sergeant Craig</p> <p>15 Hamilton came in because he was, I believe, he was the lead</p> <p>16 internal affairs investigator. I believe he was. And he said</p> <p>17 -- asked me how it was going and if I had watched the video and</p> <p>18 I said, yes. And I told him what I observed on the video.</p> <p>19 Q. Okay. And had anybody else spoken to Sergeant</p> <p>20 Hamilton prior to that conversation that you and him had?</p> <p>21 MR. GILES: Objection; form.</p> <p>22 THE WITNESS: I have no idea.</p> <p>23 Q (By Mr. Dube) Do you know if Sergeant Skripka -- Is</p> <p>24 it Skripka?</p> <p>25 A. Skripka, yes.</p>	<p style="text-align: right;">81</p> <p>1 A. Yes, sir. I was explaining to him what I was seeing.</p> <p>2 My opinions of it.</p> <p>3 Q. And the same things you've been saying before, that</p> <p>4 he was on his knees, hands and knees, walking away at the time</p> <p>5 the shot was first fired?</p> <p>6 MR. SELBE: Object; form.</p> <p>7 MR. GILES: Objection; form.</p> <p>8 Q (By Mr. Dube) You told him that; correct?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And you were watching on that same VLC player?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Where you could go frame by frame?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Did Sergeant Hamilton say anything to you at that</p> <p>15 time?</p> <p>16 A. I think he made a comment one time afterwards, like,</p> <p>17 you know, I'm not seeing what you are seeing. And then we</p> <p>18 watched it, like, a couple more times and something to the</p> <p>19 effect, like, okay. He didn't tell me his opinion, or anything</p> <p>20 like that after that. He just said, I didn't see what you're</p> <p>21 seeing. And that was towards the beginning of watching the</p> <p>22 video.</p> <p>23 Q. Did you push back on that at all?</p> <p>24 A. You mean towards the invest -- the internal affairs</p> <p>25 sergeant?</p>

<p style="text-align: right;">82</p> <p>1 Q. Yes?</p> <p>2 A. I know eventually, we had a discussion about it with</p> <p>3 -- myself and Sergeant Skripka had a discussion with the</p> <p>4 internal affairs sergeant, I think, chief of police, assistant</p> <p>5 chief, and I can't remember everyone. I'm trying to remember</p> <p>6 everybody in the room here. Sorry. It was a while ago. And</p> <p>7 we kind of reenacted what we saw in the video. Sergeant</p> <p>8 Skripka and I reenacted what we saw and what our opinion of</p> <p>9 that happened on the video.</p> <p>10 Q. What do you mean by reenacted?</p> <p>11 A. So what we saw on the video, Sergeant Skripka and I</p> <p>12 reenacted ourselves. Where, just, not on a video, not shooting</p> <p>13 one another, nothing. We're just, like, okay this is the</p> <p>14 position we believe we are seeing in the video. This is the</p> <p>15 position we see what led up to the shooting.</p> <p>16 Q. So basically like a live-action. You and him like</p> <p>17 play acted what you had seen on the video?</p> <p>18 A. Yes, playacting. That's a good way to put it. Not,</p> <p>19 you know -- the play act of what we -- our opinion of what</p> <p>20 we're seeing in the video.</p> <p>21 Q. Did one of you guys get on his hands and knees?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Do you recall who did that?</p> <p>24 A. I think it was me.</p> <p>25 Q. Really?</p>	<p style="text-align: right;">84</p> <p>1 said, but, if you'd like to see it it's at my desk and I'll</p> <p>2 play it for any of you would like to come see what we are</p> <p>3 seeing so you understand where our opinion is coming from.</p> <p>4 Q. Did anybody take you up on that offer?</p> <p>5 A. I believe Sergeant Sanders did and he says I don't</p> <p>6 see what you're saying. And he just walked away.</p> <p>7 Q. Did Chief Bruegger come to your station to see what</p> <p>8 you saw?</p> <p>9 A. I don't recall that he did. Because, mind you, all</p> <p>10 of them are seeing their videos there at their own computers</p> <p>11 and everything like that. So I don't know what kind of</p> <p>12 monitors they had or how they were seeing it. But if he did, I</p> <p>13 just -- I don't remember, sir.</p> <p>14 Q. Okay. But did you play the video for them?</p> <p>15 A. I couldn't get it to play in the room.</p> <p>16 Q. Okay. Can you turn to page 70 and 71?</p> <p>17 A. Okay.</p> <p>18 Q. Okay. So if you look at starting on line 21. The</p> <p>19 assistant chief you mentioned -- sorry. Next line. At line</p> <p>20 24; do you see that?</p> <p>21 "QUESTION: At that meeting were you able to play the</p> <p>22 body cam recording for anybody?" And then page 71.</p> <p>23 "ANSWER: Yes, sir. For all of them."</p> <p>24 "QUESTION: What kind of screen were you all using at</p> <p>25 the time?"</p>
<p style="text-align: right;">83</p> <p>1 A. I think it was me.</p> <p>2 Q. You draw the short lock?</p> <p>3 A. Yeah.</p> <p>4 Q. And one of you, like, pretended that you had the gun?</p> <p>5 For shooting from the position?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. And who was in the room at this time?</p> <p>8 A. Okay. I know Sergeant Hamilton was there, from</p> <p>9 internal affairs. And, I think, Sergeant Sanders was -- Adam</p> <p>10 Sanders is his name was there from internal affairs. Chief Josh</p> <p>11 Bruegger, Assistant Chief Rick Styron and I'm thinking maybe,</p> <p>12 Chief Wright, maybe. I think. I can't -- I can't remember.</p> <p>13 Q. Okay. Best of your recollection. That's what I'm</p> <p>14 asking for.</p> <p>15 A. Yes, sir.</p> <p>16 Q. Before you guys play acted, what happened? Did you</p> <p>17 show the video to the individuals in the room?</p> <p>18 A. We wanted to show it to them in the room where we</p> <p>19 were at, but we couldn't get it to work in there. So I invited</p> <p>20 anybody after -- because it started off with us -- it was all</p> <p>21 of us talking. Letting them update them where we were at in</p> <p>22 this case. Okay.</p> <p>23 And then from there it -- We started doing the</p> <p>24 acting. And then I couldn't play the video and I apologized to</p> <p>25 them for not being able to show the video in this room. I</p>	<p style="text-align: right;">85</p> <p>1 "ANSWER: Trying to remember if we had the drop-down</p> <p>2 screen up because I did take some of them over to my desk to my</p> <p>3 monitor. I don't think I used the drop-down screen. We</p> <p>4 couldn't get it to work. I think most of them came over to my</p> <p>5 desk to watch it on the monitor."</p> <p>6 A. Okay, sure. I remember making that comment. What I</p> <p>7 remember is the only person that talked to me at the time we</p> <p>8 were there was Sergeant Sanders. That's why I remember his</p> <p>9 name. So if they stood behind me watching, then they may have.</p> <p>10 I honestly can't remember.</p> <p>11 Q. Okay. Do you recall whether or not you ever played</p> <p>12 the video for Chief Bruegger?</p> <p>13 A. If I did, I don't remember.</p> <p>14 Q. But right now, you don't recall not playing it for</p> <p>15 him, but you just don't recall specifically playing it for him?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Can we take a -- I'm sorry. Let me take a five</p> <p>18 minute break for a second.</p> <p>19 VIDEOGRAPHER: Off the record at 12:58.</p> <p>20 (Recess from 12:58pm to 1:33)</p> <p>21 VIDEOGRAPHER: Back on the record at 1:33.</p> <p>22 Q (By Mr. Dube) So I've placed in front of you what</p> <p>23 we're going to mark as plaintiff's Exhibit No. 20. Would you</p> <p>24 be able to mark that for me please? Do you have any exhibit</p> <p>25 stickers? While she's doing that could you read those pages</p>

<p style="text-align: right;">86</p> <p>1 that are printed out?</p> <p>2 (Exhibit 20 marked)</p> <p>3 A. Yes, sir.</p> <p>4 Q. You can stop at page 48. Thank you. If you could</p> <p>5 put that sticker for me on that first page?</p> <p>6 A. On here?</p> <p>7 Q. First page, yeah. And I represent to you that this</p> <p>8 is a copy of the deposition of Chief Josh Bruegger from 2021.</p> <p>9 MR. GILES: It's a copy of a few pages of the</p> <p>10 deposition.</p> <p>11 Q (By Mr. Dube) A few pages of the deposition; correct.</p> <p>12 Specifically, pages 38 to 53. I think page 44. You can stop on</p> <p>13 page 44 if you're already there.</p> <p>14 A. Okay.</p> <p>15 Q. Are you there?</p> <p>16 A. Yes, sir.</p> <p>17 Q. All right. Have you reviewed the transcript?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And in the transcript you see that Chief Bruegger</p> <p>20 recalls that you played the video for him?</p> <p>21 A. Okay.</p> <p>22 Q. Do you see that?</p> <p>23 A. On what page?</p> <p>24 Q. I would say on page 42.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">88</p> <p>1 at the desk?</p> <p>2 A. It's very possible, sir.</p> <p>3 Q. Okay.</p> <p>4 A. Very possible.</p> <p>5 Q. And if he had watched it with you at the desk, you</p> <p>6 would've narrated what you saw just as you stated earlier;</p> <p>7 correct?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And in any event, you told Chief Bruegger that you</p> <p>10 believe the shooting was not -- was not excessive. Excuse me.</p> <p>11 Let me rephrase. You told Chief Bruegger that you believed the</p> <p>12 shooting was excessive; correct?</p> <p>13 MR. GILES: Objection; form.</p> <p>14 THE WITNESS: I don't know if I told him that or not,</p> <p>15 to be honest. I mean, those exact words, I just -- I know we -</p> <p>16 - like, I told you -- We did in the room. We were -- Where we</p> <p>17 were going to try to play the video, we did, like, a role play</p> <p>18 there in the room.</p> <p>19 We described what we observed in the video, what our</p> <p>20 beliefs were and I know Chief was in there in the room with all</p> <p>21 the people so to tell you what my exact words to him were, I</p> <p>22 honestly don't remember, sir. I don't.</p> <p>23 Q (By Mr. Dube) Fair. When you watched the video with</p> <p>24 other people who watched it with you; correct?</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">87</p> <p>1 Q. Actually, on page 43.</p> <p>2 "QUESTION: Did he show you the portion that they were</p> <p>3 interested in showing to you more than once?"</p> <p>4 "ANSWER: Yes."</p> <p>5 "QUESTION: How many times did they play it?"</p> <p>6 "ANSWER: I would say probably three to four -- three</p> <p>7 to five, but I'm not certain."</p> <p>8 Do you see that?</p> <p>9 A. Okay.</p> <p>10 Q. Do you see it?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. And then do you see on page 44 he describes</p> <p>13 that you are telling him what you are seeing in the video. Do</p> <p>14 you see that?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. So does that refresh your recollection that</p> <p>17 you played the video for Chief Bruegger and you narrated the</p> <p>18 video as you saw on screen?</p> <p>19 A. It says on a wall on a TV. I never hooked up to that</p> <p>20 TV. I can tell you that. If Sergeant Skripka did, then</p> <p>21 Sergeant Skripka did.</p> <p>22 Q. Okay.</p> <p>23 A. But I didn't have access to it because I just watched</p> <p>24 it right there on my desk.</p> <p>25 Q. Okay. So is it possible that he watched it with you</p>	<p style="text-align: right;">89</p> <p>1 Q. You narrated what you saw --</p> <p>2 A. Yes, sir.</p> <p>3 Q. -- as you saw it?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And you would have narrated that Mr. Schenk was on</p> <p>6 his hands and knees going away as the first shot was fired;</p> <p>7 correct?</p> <p>8 MR. GILES: Objection; form.</p> <p>9 THE WITNESS: Yes, that would have been narrated.</p> <p>10 Q (By Mr. Dube) Okay. Do you believe at the conclusion</p> <p>11 of that meeting, that it was clear, that it was your opinion</p> <p>12 that Officer Saldivar shot Mr. Schenk while he was on his hands</p> <p>13 and knees crawling away?</p> <p>14 MR. GILES: Objection; form.</p> <p>15 THE WITNESS: You're asking my opinion of what now?</p> <p>16 Q (By Mr. Dube) Can you reread the question for me</p> <p>17 please? I can do it. No worries. I'll reask the question.</p> <p>18 THE REPORTER: I'm sorry. I'm having some technical</p> <p>19 difficulties. I'm usually very good at read backs.</p> <p>20 Q. So in that meeting, did you make clear that it was</p> <p>21 your opinion that Officer Saldivar shot Mr. Schenk while he was</p> <p>22 on his hands and knees crawling away?</p> <p>23 A. What I was trying to portray to the command staff,</p> <p>24 that was there watching, or listening to my demonstration is</p> <p>25 that, in my opinion, on the video, I see him crawling away when</p>

<p style="text-align: right;">90</p> <p>1 the shots are being fired.</p> <p>2 Q. Okay.</p> <p>3 A. That's what I was trying to portray to them.</p> <p>4 Basically reiterating what I narrate in the video. That's what</p> <p>5 I'm trying to portray to them, what I believe, my opinion that</p> <p>6 I'm seeing.</p> <p>7 Q. Okay.</p> <p>8 A. Does that answer --</p> <p>9 Q. That answers my question.</p> <p>10 A. Okay.</p> <p>11 Q. And the next question is, Chief Bruegger was in the</p> <p>12 room when you did that?</p> <p>13 A. In our conference room? Yes, sir, he was.</p> <p>14 Q. You stated that Sergeant Hamilton and Sergeant</p> <p>15 Sanders stated that they did not see what you saw; correct?</p> <p>16 A. Yes. I believe -- At one -- I don't know if those</p> <p>17 were the exact words, but they didn't agree with -- They</p> <p>18 didn't, like, see what I saw.</p> <p>19 Q. Does Chief Bruegger express an opinion as to what he</p> <p>20 saw?</p> <p>21 A. Not to me.</p> <p>22 Q. Did he ask you any questions as to why you had formed</p> <p>23 that -- your conclusions?</p> <p>24 A. No, sir.</p> <p>25 Q. Do you recall him saying anything at all?</p>	<p style="text-align: right;">92</p> <p>1 Q. Like, at the time when you had had this meeting. What</p> <p>2 was the general -- I'm going to use, for lack of a better word,</p> <p>3 the general buzz for this department regarding that shooting?</p> <p>4 MR. GILES: Objection; form.</p> <p>5 THE WITNESS: I don't know. If -- I don't know if</p> <p>6 there was -- I mean, you talking about around the department?</p> <p>7 Like scuttlebutt? Watercooler talk type?</p> <p>8 Q. (By Mr. Dube) Correct.</p> <p>9 A. I mean, nothing was said to me.</p> <p>10 Q. Okay. No one came up to you and says, hey, you know,</p> <p>11 do you know what happened with the shooting? Or anybody ask</p> <p>12 you for, like, your opinions and your conclusions beyond the</p> <p>13 people we've spoken about so far?</p> <p>14 A. Of the people you said we mentioned so far?</p> <p>15 Q. Uh-huh.</p> <p>16 A. Yeah, no. I mean, I'd -- I had, obviously, daily</p> <p>17 contact with Sergeant Skripka, but outside of that, no.</p> <p>18 Q. What did you do next, after that meeting?</p> <p>19 A. Kept working the case. Typing, and waiting for stuff</p> <p>20 to come in from the Medical Examiners Office and then when I</p> <p>21 completed the case file, I send it over to the District</p> <p>22 Attorney's Office.</p> <p>23 Q. Tell me about that process. Like, of sending a case</p> <p>24 over to the District Attorney's Office.</p> <p>25 A. At that time, you know, we're not where we are now</p>
<p style="text-align: right;">91</p> <p>1 A. I think, pretty much, okay and thank you. To that</p> <p>2 extent. I mean, nothing.</p> <p>3 Q. When Sergeant Hamilton expressed to you that he did</p> <p>4 not see what you had seen in the video after you had showed him</p> <p>5 the video and narrated your video, what did you think about</p> <p>6 that?</p> <p>7 A. Okay. Just -- it's -- I mean, everybody has their</p> <p>8 opinion on what they see. And, I mean, I just have to do my</p> <p>9 job.</p> <p>10 Q. Same thing with Sergeant Sanders, when he said he did</p> <p>11 not see what you saw; did you have an opinion as to or how did</p> <p>12 you feel when he said that to you?</p> <p>13 A. Same thing.</p> <p>14 Q. Okay. In the larger room, was there a larger</p> <p>15 discussion with, like, between parties involved as to what</p> <p>16 occurred in the video?</p> <p>17 A. It was just more of, Sergeant Skripka and I updating</p> <p>18 them as a whole on the case. And basically, like I said, live</p> <p>19 role playing what we saw in the video and that's it. And for</p> <p>20 them -- discussions? They don't have discussions in front of</p> <p>21 me, the command staff.</p> <p>22 Q. Now, let's back out a little bit. So it's been two</p> <p>23 or three days or maybe about a week after the shooting;</p> <p>24 correct?</p> <p>25 A. Okay.</p>	<p style="text-align: right;">93</p> <p>1 where you can do everything, like, electronically. We</p> <p>2 generated what we call -- the DAs office calls it a red back</p> <p>3 because it's a three ring binder that is red in color. I call</p> <p>4 it a case file.</p> <p>5 I completed it which includes: the reports, including</p> <p>6 these supplement reports, a copy of the autopsy, it has copies</p> <p>7 of videos. And I take all that to the -- Oh, I even put in, if</p> <p>8 I remember correctly, I put in, like, the criminal history of</p> <p>9 the decedent.</p> <p>10 But I'd have to review it to see if I did or not. And</p> <p>11 then I just take it to the Public Integrity Unit of the Harris</p> <p>12 County District Attorney's Office. Because they handle officer</p> <p>13 involved shootings.</p> <p>14 Q. Did you hear anything back from them?</p> <p>15 A. I think it was, like, a day or two after I dropped it</p> <p>16 off with the admin. I got a call from ADA Jules Johnson. He</p> <p>17 told me that, hey, I've got your stuff. I'm going to watch the</p> <p>18 video now.</p> <p>19 Q. And --</p> <p>20 A. I told him, turn the light off. Hope you've got a</p> <p>21 good screen. And that's all I said.</p> <p>22 Q. After you were done -- I'm going to go back -- jump</p> <p>23 back again.</p> <p>24 A. Okay.</p> <p>25 Q. I'm sorry. It just reminded me of something. After</p>

<p style="text-align: right;">94</p> <p>1 you had showed the video to Chief Bruegger and other, I guess,</p> <p>2 command staff at the -- Did they have copies of the video for</p> <p>3 themselves?</p> <p>4 A. I don't know. I'm going to assume, yes, but I don't</p> <p>5 know, sir.</p> <p>6 Q. Okay. Did you tell the chief that the state -- that</p> <p>7 what Officer Saldivar was saying occurred and what you saw in</p> <p>8 the video did not match up?</p> <p>9 MR. GILES: Objection; form.</p> <p>10 Q (By Mr. Dube) That there's a discrepancy?</p> <p>11 MR. GILES: Objection; form.</p> <p>12 THE WITNESS: It's possible that I said it during,</p> <p>13 like, when we were doing the playing, the acting out. It's</p> <p>14 possible I said it then, but using those direct words to him</p> <p>15 personally, one-on-one, I don't recall ever saying that.</p> <p>16 I mean, I think I brought it up when we did the role-</p> <p>17 play and that was about it. And then I put it in my report.</p> <p>18 Q (By Mr. Dube) Can you turn to page 70 of your</p> <p>19 deposition, Exhibit 2?</p> <p>20 A. Page 70 of mine, sir?</p> <p>21 Q. Yes, sir.</p> <p>22 A. Okay. Page 70. Okay.</p> <p>23 Q. Can you read from line 1 through line 12?</p> <p>24 A. Okay.</p> <p>25 Q. You see where it says, I told them -- I told them</p>	<p style="text-align: right;">96</p> <p>1 the investigation, nobody else came up to you and asked you</p> <p>2 your thoughts and your opinions as to what occurred? And when</p> <p>3 I say nobody, I mean the command staff.</p> <p>4 A. After I'm done with the investigation? Is that what</p> <p>5 you're getting at?</p> <p>6 Q. From that meeting till you conclude the</p> <p>7 investigation. Did anybody follow up with you as to the status</p> <p>8 of your investigation?</p> <p>9 A. I just -- just Sergeant Skripka. That's who I, you</p> <p>10 know, we talked about it, if it wasn't daily it was every</p> <p>11 couple days or so. Just, hey how's it going? Just typing,</p> <p>12 whatever, waiting on this.</p> <p>13 Q. I think I asked you this before. How many officer</p> <p>14 involved shootings have you investigated?</p> <p>15 A. Me?</p> <p>16 Q. Yes.</p> <p>17 A. Where I've been the lead detective?</p> <p>18 Q. Yes. Let's start with that.</p> <p>19 A. I think that -- that may have been my first one as a</p> <p>20 lead, but I participated in several.</p> <p>21 Q. Okay.</p> <p>22 A. I'd say -- I'd say between Pasadena, Houston, and</p> <p>23 Harris County, I don't know, maybe, assisted in a couple dozen.</p> <p>24 Q. But this was your first one in Pasadena?</p> <p>25 A. Yes, where I was primary. Yes, sir.</p>
<p style="text-align: right;">95</p> <p>1 that the statement that Officer Saldivar was telling internal</p> <p>2 affairs was not what I'm seeing in the video. Do you see that?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay. And you see from line 15 through 19, you</p> <p>5 stated Chief Bruegger, the chief of police, was amongst the</p> <p>6 participants in that meeting?</p> <p>7 A. Yes, sir.</p> <p>8 Q. So does that refresh your recollection that you told</p> <p>9 them that?</p> <p>10 A. Yeah. That -- I probably did, in the meeting, yeah.</p> <p>11 Q. Do you recall if they made any comment as to --</p> <p>12 regarding what you said? That there's a discrepancy?</p> <p>13 A. I think general consensus was, okay, thank you.</p> <p>14 Q. No further follow-up?</p> <p>15 MR. GILES: Objection; form.</p> <p>16 THE WITNESS: What do you mean by that? I apologize.</p> <p>17 Q (By Mr. Dube) Did they follow up on, when you said</p> <p>18 that, they said, okay, thank you, did they ask you, no, the</p> <p>19 cause of the discrepancy or anything of that sort?</p> <p>20 A. No. I don't -- I don't recall any questions except</p> <p>21 for, thank you.</p> <p>22 Q. Got it. So you just made a presentation, nobody</p> <p>23 asked you any questions, and then that was it?</p> <p>24 A. Yes, sir.</p> <p>25 Q. And then subsequently, after, you know, you finish</p>	<p style="text-align: right;">97</p> <p>1 Q. Did you know Officer Saldivar prior to the shooting?</p> <p>2 A. Yes.</p> <p>3 Q. How long had you known him?</p> <p>4 A. I think he started a year before me with the</p> <p>5 department. He was on patrol. I think we were on different</p> <p>6 shifts. And he left, he went to detective and he left for,</p> <p>7 like a year, I think. So that put him in seniority wise behind</p> <p>8 me.</p> <p>9 And then we worked for a year together in that</p> <p>10 proactive squad on patrol. We were in the same group. He was</p> <p>11 partnered up with one guy, I was partnered up with another guy</p> <p>12 and --</p> <p>13 Q. Did you guys ever partner up with each other?</p> <p>14 A. No.</p> <p>15 Q. Did you guys ever work together?</p> <p>16 A. Just in that group, you know, if there was a group</p> <p>17 thing.</p> <p>18 Q. What did you think of his work as a police officer?</p> <p>19 A. Average.</p> <p>20 Q. Was there anything concerning about his performance</p> <p>21 or how he carried out his duties, to you?</p> <p>22 A. No, sir.</p> <p>23 Q. Was there anything extraordinary about the way he</p> <p>24 carried out his duties?</p> <p>25 A. No, sir.</p>

<p style="text-align: right;">98</p> <p>1 Q. He was just a run-of-the-mill police officer?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. What was his reputation on the force?</p> <p>4 MR. GILES: Objection; form.</p> <p>5 THE WITNESS: I don't -- I mean I --</p> <p>6 Q. (By Mr. Dube) If you know.</p> <p>7 A. I just don't know. I really don't know enough to</p> <p>8 form one on him.</p> <p>9 Q. Did you ever give Officer Saldivar a -- an</p> <p>10 opportunity to clarify the discrepancy between what you saw in</p> <p>11 the video versus what you -- versus what he said?</p> <p>12 A. Yes, sir. I did it through his attorney.</p> <p>13 Q. Okay.</p> <p>14 A. Contacted his attorney. Cagle. And I told him, hey</p> <p>15 listen, I've just want to clarify some things, discrepancies,</p> <p>16 what I'm seeing. Let me know if he wants to talk or another</p> <p>17 statement or something.</p> <p>18 Q. Okay. Did you hear --</p> <p>19 A. Never heard back.</p> <p>20 Q. What did you think of that?</p> <p>21 A. It is what it is. It's like any other investigating</p> <p>22 case. If the attorney gets back to you they do, if they don't,</p> <p>23 they don't.</p> <p>24 Q. Okay. I'm going to show you -- let me see if I can</p> <p>25 play it. Nope. Okay. I tried to download it so I could do it</p>	<p style="text-align: right;">100</p> <p>1 occurring right now?</p> <p>2 (Video paused)</p> <p>3 A. At this time it is going to be -- he's evading on</p> <p>4 foot. Nathan Schenk is. And Officer Saldivar is chasing him</p> <p>5 and he is broadcasting over police radio what is happening.</p> <p>6 Q. And is that what you heard when you were in the</p> <p>7 vehicle with Sergeant Stephens? Or Detective Stephens?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. All right. You can press play. You can pause</p> <p>10 it whenever you feel something important is happening as well.</p> <p>11 (Video played)</p> <p>12 A. Okay. At this point he is chasing him down through</p> <p>13 houses behind the bar there. It's real dark. He deploys --</p> <p>14 Q. Pause it, please.</p> <p>15 (Video paused)</p> <p>16 A. At this time he deployed a Taser, but due to the</p> <p>17 jacket he was wearing, the Taser had no effect on him.</p> <p>18 Q. Okay. You can play.</p> <p>19 (Video played)</p> <p>20 Q. Pause, please.</p> <p>21 (Video paused)</p> <p>22 Q. Earlier, you testified that they had basically made a</p> <p>23 loop, a circle, is that what Officer Saldivar is describing</p> <p>24 there?</p> <p>25 A. Yes. When he says he's going back to Pine, he just</p>
<p style="text-align: right;">99</p> <p>1 on the VLC player.</p> <p>2 A. Yes, sir.</p> <p>3 Q. You know what --</p> <p>4 A. It's a pain in the butt to download it, ain't it?</p> <p>5 Q. Yeah. Let's take another a two minute break. I want</p> <p>6 to -- I think I just downloaded it. Can we go off the record</p> <p>7 for a second?</p> <p>8 MR. GILES: Yeah.</p> <p>9 VIDEOGRAPHER: Off the record at 1:54.</p> <p>10 (Recess taken from 1:54 to 2:06)</p> <p>11 VIDEOGRAPHER: We're back on the record at 2:06.</p> <p>12 Q. (By Mr. Dube) I'm showing you what has been marked as</p> <p>13 Exhibit No. 17.</p> <p>14 (Exhibit 17 marked)</p> <p>15 A. Okay.</p> <p>16 Q. Which is the full video of -- body worn video of</p> <p>17 Officer Saldivar. We're starting it -- Can you read the time</p> <p>18 mark for me?</p> <p>19 A. Four minutes and fifty seconds.</p> <p>20 Q. Okay. And this is just about the time where the, I</p> <p>21 guess, the evading on foot is about to start, okay? Can you</p> <p>22 press play? There should be sound. It's on mute.</p> <p>23 A. On this end?</p> <p>24 Q. Yeah. Do you see that orange button?</p> <p>25 (Video played) Can you pause, please? What's</p>	<p style="text-align: right;">101</p> <p>1 means that he's running back towards -- because sometimes when</p> <p>2 you're in stressful situations you're not going to remember</p> <p>3 what direction you're going, North, South, East, or West.</p> <p>4 And so he's basically saying I'm going back toward</p> <p>5 Pine so if anybody that's responding, they know that, you know,</p> <p>6 Pine Street. They hear that at least.</p> <p>7 Q. Understood. Okay. Press play.</p> <p>8 (Video Played)</p> <p>9 Q. Pause, please.</p> <p>10 (Video paused)</p> <p>11 Q. So what just happened?</p> <p>12 A. He deployed his Taser a second time.</p> <p>13 Q. And did that one -- What was the effect of the Taser?</p> <p>14 MR. GILES: Objection; form.</p> <p>15 THE WITNESS: By the looks of it on the video it</p> <p>16 appears it may have worked. I don't know if it worked or if he</p> <p>17 slipped on the ground because it was wet. There's water in</p> <p>18 that area, mud. But it's possible that the Taser had some</p> <p>19 effect on him to knock him down to the ground.</p> <p>20 Q. (By Mr. Dube) So Mr. Schenk is on the ground at this</p> <p>21 time?</p> <p>22 A. Yes, sir, he is.</p> <p>23 Q. Okay. And you orient us where we are in terms of</p> <p>24 who's where, if you can tell?</p> <p>25 A. We are going to be in the front yard of a house</p>

<p style="text-align: right;">102</p> <p>1 located at -- I want to say it's 2420 Jana, okay? It's going</p> <p>2 to be at the intersection Jana and Pine. North, I guess, you</p> <p>3 could call it. The northwest corner of that particular</p> <p>4 intersection.</p> <p>5 And that's where he originally was set up, watching</p> <p>6 the stop sign there. So when I say he made a circle, he</p> <p>7 literally followed him out of the neighborhood, stopped right</p> <p>8 away and chased him right back into the neighborhood.</p> <p>9 Q. Understood. Okay. And can you see where Officer</p> <p>10 Saldivar is on this video?</p> <p>11 MR. GILES: Objection; form.</p> <p>12 THE WITNESS: From this right here, my opinion, is</p> <p>13 the light up there, you see -- Can I stand up?</p> <p>14 Q (By Mr. Dube) Of course, yes. Please. Just be</p> <p>15 careful with your mic.</p> <p>16 A. Thank you. The thing is, this is going to be the</p> <p>17 possible lighted front door area of the house on Jana.</p> <p>18 Q. Okay.</p> <p>19 A. Am I talking loud enough? And that's what it looks</p> <p>20 like, that angle we've got. So at the camera, the lens of the</p> <p>21 camera is possibly facing West. Maybe slightly Northwest, West</p> <p>22 Northwest.</p> <p>23 Q. Okay. So this is from his viewpoint on his chest?</p> <p>24 A. This is the camera's viewpoint on his chest.</p> <p>25 Q. And the camera is still attached to Officer</p>	<p style="text-align: right;">104</p> <p>1 (Video played)</p> <p>2 Q. Understood.</p> <p>3 (Video paused)</p> <p>4 A. Okay. So at this point you can see the sound went</p> <p>5 away. It's not because it's faulty video. At this point, the</p> <p>6 video -- the camera is knocked off. At this moment, the camera</p> <p>7 is knocked off of Officer Saldivar. It is on the ground layed</p> <p>8 at him. We're looking at an upper direction from the camera.</p> <p>9 Okay?</p> <p>10 Q. Okay.</p> <p>11 A. So as you can see -- I'm going to stand up here. This</p> <p>12 is going to be Officer Saldivar here in the video. It's him in</p> <p>13 the corner, okay? This is going to be a streetlight that is</p> <p>14 over the intersection where the stop sign is of Jana and Pine.</p> <p>15 So that's what you are seeing right now, okay?</p> <p>16 Q. What's the timestamp right now?</p> <p>17 A. Six minutes and 45 seconds.</p> <p>18 Q. Perfect. Okay.</p> <p>19 MR. GILES: I don't want to interrupt, but I want to</p> <p>20 keep a running objection from now on. He's giving us his</p> <p>21 opinion of what you are seeing, not what you are seeing. So</p> <p>22 I'll keep objecting if you like, or I'll just be quiet.</p> <p>23 MR. DUBE: I'll give you a running objection.</p> <p>24 MR. GILES: Thank you.</p> <p>25 Q (By Mr. Dube) And your opinion is based on your</p>
<p style="text-align: right;">103</p> <p>1 Saldivar's body at this time?</p> <p>2 A. Yes, it is.</p> <p>3 Q. Okay. All right. Thank you, sir. Again, you can</p> <p>4 pause that anytime you feel is relevant. If I see something,</p> <p>5 I'll ask you pause it as well.</p> <p>6 (Video played)</p> <p>7 A. Oops. Sorry.</p> <p>8 Q. The sound is off at this point; correct?</p> <p>9 (Video paused)</p> <p>10 A. Okay. One possible explanation for the sound going</p> <p>11 in and out, at this point, is the WatchGuard body cameras. The</p> <p>12 button is right in front. And when you're wrestling with</p> <p>13 somebody, fighting somebody, however, you want to call it, on</p> <p>14 the ground, having physical interaction. It's possible that</p> <p>15 that button gets hit.</p> <p>16 Q. Okay.</p> <p>17 A. And so sometimes that's what causes the sound to go</p> <p>18 in and out.</p> <p>19 Q. Okay.</p> <p>20 A. But what's unique about the WatchGuard camera is</p> <p>21 that, even though it maybe it got hit, like, the button, for</p> <p>22 stops, it's still going to keep recording the video. Okay. The</p> <p>23 video doesn't stop, the sound will stop. But when if that</p> <p>24 button gets hit again then you'll start hearing the sound again</p> <p>25 and then go from there.</p>	<p style="text-align: right;">105</p> <p>1 expertise of having been an investigator for, since how long?</p> <p>2 MR. GILES: Objection; form.</p> <p>3 THE WITNESS: You mean -- As a patrolman you are an</p> <p>4 investigator. When you're on the street you investigate. Okay.</p> <p>5 A traffic stop is an investigation. You observe the violation</p> <p>6 and you're investigating it. You respond to your initial -- I</p> <p>7 like to call officers, like, initial first responder, initial</p> <p>8 first investigator. Okay.</p> <p>9 Because they're going to be the ones investigating</p> <p>10 the scene. They're making the original report to go to</p> <p>11 detectives. And a detective follows up on what is found and</p> <p>12 see what else can be found. So, yes, I think, I mean, it's</p> <p>13 been, you know, this is 2018 and so I'd been with the</p> <p>14 department at this point for 19 years.</p> <p>15 Q (By Mr. Dube) Okay.</p> <p>16 A. Almost 20.</p> <p>17 Q. And where is Officer Saldivar in this video as we see</p> <p>18 it?</p> <p>19 A. My opinion, is that he's -- They are on the ground</p> <p>20 fighting. That's my opinion at this time.</p> <p>21 Q. Wait for a second. I'm going to approach the screen</p> <p>22 now. I see a figure right here. Would that be Officer</p> <p>23 Saldivar?</p> <p>24 A. Yes, it is.</p> <p>25 Q. Where is Mr. Schenk, in your opinion, in relationship</p>

<p style="text-align: right;">106</p> <p>1 to Officer Saldivar?</p> <p>2 A. Does it not show up on there?</p> <p>3 Q. It should.</p> <p>4 A. My opinion, when we keep watching the video Schenk is</p> <p>5 going to be in this area right here. We think that Officer</p> <p>6 Saldivar, at this point, in our opinion, is that he's on top of</p> <p>7 him or partially on top of him at this point.</p> <p>8 Q. Do you ever see in this video where Schenk is on top</p> <p>9 of Officer Saldivar?</p> <p>10 A. No, I don't remember seeing that in the video, no,</p> <p>11 sir.</p> <p>12 Q. Press play, please.</p> <p>13 (Video played)</p> <p>14 (Video paused)</p> <p>15 A. Okay. In my opinion, watching the video, I don't</p> <p>16 know if you just saw those few seconds there. You could see</p> <p>17 somebody crawling away. Okay. That is going to be Nathan</p> <p>18 Schenk. Did you see the puffs of smoke? That's going to be</p> <p>19 the puffs of smoke we believe coming from the firearm.</p> <p>20 Q. Okay. So now, were going to play that slowly and I</p> <p>21 believe -- Let me back it up. Back to six forty four. Or six</p> <p>22 forty five. What time stamp are we at right now, sir?</p> <p>23 A. It's 7:06.</p> <p>24 Q. Okay. So we're going to go back to six. Let's go</p> <p>25 back before that, 6:36. And then right now I'm going to go at</p>	<p style="text-align: right;">108</p> <p>1 A. Did that come across on the video?</p> <p>2 Q. Not quite. But keep playing.</p> <p>3 (Video played)</p> <p>4 Q. Is that Mr. Schenk at the bottom, right there?</p> <p>5 A. Yes.</p> <p>6 Q. Press pause.</p> <p>7 (Video paused)</p> <p>8 Q. Okay. So can you stand up and just point on the</p> <p>9 camera where you see him?</p> <p>10 A. And now, he's going to be here.</p> <p>11 Q. Okay. That's his outline, right there.</p> <p>12 A. Right here.</p> <p>13 Q. Okay. All right. And what position is he in?</p> <p>14 A. Well, while you're playing the video, you can see it.</p> <p>15 He's in that position we're talking about where he's kinda,</p> <p>16 like --</p> <p>17 Q. Hands and knees?</p> <p>18 A. -- crouched, starting block, low bear crawl.</p> <p>19 Something to that effect, however you want to call it. That's</p> <p>20 the position that we -- that our opinion is that he is in.</p> <p>21 Q. Okay.</p> <p>22 A. Hit play?</p> <p>23 Q. Yes, please.</p> <p>24 (Video played)</p> <p>25 (Video paused)</p>
<p style="text-align: right;">107</p> <p>1 this slow speed.</p> <p>2 A. That's the volume.</p> <p>3 Q. This one doesn't do speed. All right. So we'll</p> <p>4 probably have to play my other video as well. So let me go</p> <p>5 back. 6:44. We were right here. I'm going to play it at .25</p> <p>6 speed. As it happens, please narrate what you see.</p> <p>7 A. Would you like me to hit play?</p> <p>8 Q. Yes, please.</p> <p>9 (Video played)</p> <p>10 A. What we're seeing here is, they're still on the</p> <p>11 ground. At this point, we're assuming, my opinion is, they are</p> <p>12 fighting on the ground still. They are on the ground, though.</p> <p>13 And what will happen is, you will notice the camera angle is</p> <p>14 going to kind of rotate or turn, however, you want to word it.</p> <p>15 And somebody bumps it. As to who, we don't know. Somebody on</p> <p>16 the ground bumps it and causes it to turn. Right there at that</p> <p>17 point.</p> <p>18 Q. Pause it for a second.</p> <p>19 (Video paused)</p> <p>20 Q. I'm going to want you to pause it next, at the first</p> <p>21 instance where you see Mr. Schenk coming into view.</p> <p>22 A. He's there right now.</p> <p>23 Q. Where is he right now?</p> <p>24 A. He's here.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">109</p> <p>1 Q. What did we just see?</p> <p>2 A. You saw, at this point, in the video you're seeing</p> <p>3 the shots being fired by Officer Saldivar. And at this point,</p> <p>4 Nathan Schenk falls to the ground.</p> <p>5 Q. Okay. So now we're going to go back and we're going</p> <p>6 to play it frame by frame. And when we play it frame by frame,</p> <p>7 I want you to pause at the moment in which you see the first</p> <p>8 flash or the first shot and the -- and stop it at that</p> <p>9 position. If possible. Okay, now if we can go frame by frame.</p> <p>10 A. You said it was letter E?</p> <p>11 Q. Yes, please, sir.</p> <p>12 (Video played)</p> <p>13 Q. Slow down a little bit because it's coming up. That's</p> <p>14 the camera moving; correct?</p> <p>15 A. Yes, this is the camera moving on the ground.</p> <p>16 Q. That's when you first see Mr. Schenk coming through</p> <p>17 view?</p> <p>18 A. I'm seeing myself. I hit a couple too many frames.</p> <p>19 There he is right there.</p> <p>20 (Video paused)</p> <p>21 Q. Okay. Has the first shot been fired yet?</p> <p>22 A. I don't think so. He's showing up in here, just so</p> <p>23 you know.</p> <p>24 (Video played)</p> <p>25 Q. Is that him falling? Right there?</p>

<p style="text-align: right;">110</p> <p>1 A. Yes.</p> <p>2 Q. So can you just go to the screen and show where he</p> <p>3 is?</p> <p>4 A. At this time, he's right here. Is that picking up on</p> <p>5 the big screen?</p> <p>6 Q. Yes.</p> <p>7 A. Okay. Right there. That just happened at that time.</p> <p>8 Q. What just happened?</p> <p>9 A. The first shot. It -- when you go frame by frame,</p> <p>10 it's going on that frame.</p> <p>11 Q. Okay. And what do you see when you do that?</p> <p>12 A. It's, well, it's like a light. Let's see if I can --</p> <p>13 Q. Let's go back.</p> <p>14 A. You know, it's already passed.</p> <p>15 Q. Yep. It just passed.</p> <p>16 A. You've gone way too far back.</p> <p>17 Q. I just want to make sure I catch it.</p> <p>18 A. Here. I'll get it to the time. There he is. At</p> <p>19 this time, he's -- he's right here.</p> <p>20 Q. That's his head falling right there.</p> <p>21 A. Yes.</p> <p>22 Q. Slow down. Right there.</p> <p>23 A. Right there.</p> <p>24 Q. Okay. And that's the gunshot -- don't touch it.</p> <p>25 That's the gunshot fired; correct?</p>	<p style="text-align: right;">112</p> <p>1 is the position Mr. Schenk is in?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. I want to do something. I'm going to -- And</p> <p>4 in your opinion, this is when the first shot is being taken;</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. How do I print screen? Do you know how to capture a</p> <p>8 screen image in this?</p> <p>9 A. Not on Apple. Sorry.</p> <p>10 Q. Let's go off the record for a quick second.</p> <p>11 VIDEOGRAPHER: Off the record at 2:30.</p> <p>12 (Recess taken from 2:30 to 2:33)</p> <p>13 VIDEOGRAPHER: We're back on the record at 2:33.</p> <p>14 Q (By Mr. Dube) Can you go through and see if you're</p> <p>15 able to tell how many shots have been fired?</p> <p>16 (Video played)</p> <p>17 A. Two. Three. Four. Right now watching the video,</p> <p>18 going through it, I -- with the screen as it is, and so forth,</p> <p>19 four.</p> <p>20 Q. Okay. From this video that's what you can see;</p> <p>21 correct?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Okay. So I'm going to show you what has been marked</p> <p>24 as Exhibit No. 18. This is an adaptation that was prepared in</p> <p>25 the Schenk case, okay, by the expert in that case. So I want</p>
<p style="text-align: right;">111</p> <p>1 (Video paused)</p> <p>2 A. In our opinion, that's him firing the first shot.</p> <p>3 MR. GILES: I object to testifying about our opinion.</p> <p>4 He can offer his opinion. He can't offer anybody else's</p> <p>5 opinion.</p> <p>6 THE WITNESS: Okay. I apologize. That's my opinion,</p> <p>7 yes. Sorry, sir.</p> <p>8 Q (By Mr. Dube) And when you say "ours" with respect to</p> <p>9 Officer Skripka --</p> <p>10 A. Sergeant Skripka, yes.</p> <p>11 Q. Did he also share that same opinion?</p> <p>12 A. Yes, sir.</p> <p>13 MR. GILES: Objection; form.</p> <p>14 Q (By Mr. Dube) Okay. So that's when the first -- What</p> <p>15 position is Mr. Schenk in at this time?</p> <p>16 A. Away. Facing away from Officer Saldivar.</p> <p>17 Q. Do you see any evidence here of him being in a</p> <p>18 bearlike, linebacker stance with his hands at his waist?</p> <p>19 A. No.</p> <p>20 Q. Okay. So when you discussed this video with the</p> <p>21 other individuals, the command staff, did you go frame by frame</p> <p>22 like this with them as well?</p> <p>23 A. Yes, I did.</p> <p>24 Q. Okay. And did you pause it in a similar situation to</p> <p>25 say, hey, this is when the first shot is being fired and this</p>	<p style="text-align: right;">113</p> <p>1 you to play it, review it, and play it.</p> <p>2 (Exhibit 18 marked)</p> <p>3 (Video played)</p> <p>4 Q. And then we can play it at half.</p> <p>5 A. Okay.</p> <p>6 (Video paused)</p> <p>7 Q. What are you able to see from that video?</p> <p>8 A. It's --</p> <p>9 MR. GILES: Objection; form.</p> <p>10 THE WITNESS: It's -- It's just another video of what</p> <p>11 we just watched.</p> <p>12 Q (By Mr. Dube) Okay. And what --</p> <p>13 A. Somebody has put on this video, "Nathan's head" and</p> <p>14 there is a counter, a number, that keeps popping up.</p> <p>15 Q. Do you concur that's where his head is?</p> <p>16 A. At this particular -- Yes.</p> <p>17 Q. Okay. We're going to play it at .25 speed.</p> <p>18 (Video played)</p> <p>19 Q. From what you see, can you tell how many shots were</p> <p>20 fired?</p> <p>21 A. My opinion is five.</p> <p>22 Q. As -- Can you -- I'm going to play it slowly. Can</p> <p>23 you narrate what you are seeing from this video?</p> <p>24 A. Well, what do you mean, narrate? Just so I</p> <p>25 understand what you want.</p>

<p style="text-align: right;">114</p> <p>1 Q. Just explain what you are observing.</p> <p>2 (Video played)</p> <p>3 A. What I'm observing here, when it starts, is Nathan is</p> <p>4 turning around at this time. My opinion, he's facing away from</p> <p>5 him. And this is when Officer Saldivar starts firing,</p> <p>6 discharging his weapon.</p> <p>7 (Video paused)</p> <p>8 Q. At some point, does Nathan -- his body shift from</p> <p>9 being on his hands and knees?</p> <p>10 A. Yes.</p> <p>11 Q. And he turns over to his back?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Thank you, sir.</p> <p>14 A. Yes, sir.</p> <p>15 Q. And you use a similar video with better lighting to</p> <p>16 explain to Chief Bruegger and the command staff at Pasadena</p> <p>17 Police Department your opinion as to how this shooting</p> <p>18 occurred; correct?</p> <p>19 MR. GILES: Objection; form.</p> <p>20 THE WITNESS: Yes. We did the best we could because</p> <p>21 it was daytime, not at night, when I was seeing all this. And</p> <p>22 then, you make it as dark as you can during the day, you know,</p> <p>23 it's difficult in office space type thing. And I was trying to</p> <p>24 show them, hey, this is what I am seeing. I'm narrating it to</p> <p>25 them. Pointing to it. And in the end, everybody's got their</p>	<p style="text-align: right;">116</p> <p>1 Q. Any thoughts about seeing it for the first time?</p> <p>2 MR. GILES: Objection; form.</p> <p>3 THE WITNESS: It happened fast.</p> <p>4 Q. (By Mr. Dube) I'm going to play it at a quarter</p> <p>5 speed.</p> <p>6 A. Okay.</p> <p>7 (Video played)</p> <p>8 Q. The sound will be distorted.</p> <p>9 A. Yes, sir.</p> <p>10 (Video paused)</p> <p>11 Q. Can you play it one more time?</p> <p>12 (Video played)</p> <p>13 (Video paused)</p> <p>14 Q. Can you describe what you saw?</p> <p>15 A. Officer Saldivar -- It's officer Saldivar, I take it?</p> <p>16 Q. Yes.</p> <p>17 A. He's getting out of his car to contact the guy, a</p> <p>18 person. I don't know if he knew he was a guy that they'd been</p> <p>19 looking for for a while. And just from seeing the video, looks</p> <p>20 like something was in his hands. That -- I'd have to watch</p> <p>21 that even more and more and really look at it.</p> <p>22 Q. Okay. Do you see any evidence of him raising his</p> <p>23 hands? You can watch it again if you need to.</p> <p>24 (Video played)</p> <p>25 (Video paused)</p>
<p style="text-align: right;">115</p> <p>1 own opinion.</p> <p>2 Q. Okay. I want to go back to the Ramirez shooting. The</p> <p>3 first shooting of Officer Saldivar, that you investigated.</p> <p>4 A. I'm sorry. Which shooting did you say?</p> <p>5 Q. The Ramirez shooting. The very first shooting of</p> <p>6 Officer Saldivar.</p> <p>7 A. Okay.</p> <p>8 Q. Do you recall that?</p> <p>9 A. Yes, sir.</p> <p>10 Q. You stated before you've never seen the -- you've</p> <p>11 never seen the body cam footage of that shooting; correct?</p> <p>12 A. Dash cam video is what I saw.</p> <p>13 Q. You saw the dash cam, but you never saw the body cam?</p> <p>14 A. No. I don't recall seeing that at all.</p> <p>15 Q. Can I show the body cam to you now?</p> <p>16 A. Sure.</p> <p>17 Q. I'm going to play this one at regular speed. Then</p> <p>18 we're going to play it at quarter speed. And then you're going</p> <p>19 to go frame by frame.</p> <p>20 A. Yes, sir.</p> <p>21 Q. You can press play when you're ready.</p> <p>22 (Video played)</p> <p>23 (Video paused)</p> <p>24 Q. Had you seen that video before?</p> <p>25 A. No.</p>	<p style="text-align: right;">117</p> <p>1 A. I think it's blocked. The view is blocked, ain't it?</p> <p>2 It is blocked. When the light -- In my opinion, when he puts</p> <p>3 his light on him for that brief moment, for me it looked like</p> <p>4 something in his hand, there. Either, could have been the gun</p> <p>5 he had stolen. I don't know.</p> <p>6 Q. The fake gun; correct?</p> <p>7 A. Yeah, the fake gun. But at the time, you know, you</p> <p>8 can't tell if it's fake or not.</p> <p>9 Q. Right. Officer Saldivar does not know it's fake;</p> <p>10 that's correct.</p> <p>11 A. And -- But as soon as he makes the comment, "oh,</p> <p>12 shit", his hands come up and I can't see nothing after that.</p> <p>13 Q. Is the possession of a weapon in the hands of a</p> <p>14 person; does that, by itself, justify an officer shooting?</p> <p>15 A. If you are putting the way you just stated it, no.</p> <p>16 No, sir.</p> <p>17 Q. And I put it that way, you know, purposefully.</p> <p>18 A. Okay.</p> <p>19 Q. If a gun is at the side of an individual, is that a</p> <p>20 reason for an officer to go sites and shoot at that individual?</p> <p>21 MR. GILES: Objection; form.</p> <p>22 MR. SELBE: Object. Is calling for a legal</p> <p>23 conclusion.</p> <p>24 Q. (By Mr. Dube) In your opinion, as an officer.</p> <p>25 MR. GILES: Objection; form.</p>

<p style="text-align: right;">118</p> <p>1 MR. SELBE: Object; form.</p> <p>2 THE WITNESS: Does that mean I still --</p> <p>3 Q (By Mr. Dube) Yes, you may answer.</p> <p>4 MR. GILES: You can still answer.</p> <p>5 THE WITNESS: The way you're describing it, if he's</p> <p>6 just holding it at his side? No, you wouldn't shoot.</p> <p>7 Q. When you investigated Officer Saldivar for the Schenk</p> <p>8 shooting, did you go back and review this video?</p> <p>9 A. Yes, sir.</p> <p>10 Q. You did go back and review this video?</p> <p>11 A. No, this -- Which video?</p> <p>12 Q. The Ramirez shooting?</p> <p>13 A. Oh, no, no. The only time I saw the -- this shooting</p> <p>14 was, like I said, the -- it was the dash cam. And it was that</p> <p>15 day.</p> <p>16 Q. Wasn't that relevant to your investigation of the</p> <p>17 Schenk shooting?</p> <p>18 A. No, sir.</p> <p>19 Q. Okay. But you were aware that shooting had occurred;</p> <p>20 correct?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And did you review his personnel file? At the time</p> <p>23 you are investigating the Schenk shooting?</p> <p>24 A. No.</p> <p>25 Q. Okay. I'm going to go off the record just to make</p>	<p style="text-align: right;">120</p> <p>1 objection?</p> <p>2 MR. GILES: Not to it being marked in the depo</p> <p>3 record, no.</p> <p>4 Q (By Mr. Dube) Okay. And I also showed you three</p> <p>5 videos which were Exhibits No. 17, No. 18, and No 19.</p> <p>6 A. Okay.</p> <p>7 Q. Any objections?</p> <p>8 MR. GILES: No.</p> <p>9 (Exhibit 19 marked)</p> <p>10 Q (By Mr. Dube) Okay. I think, you testified that you</p> <p>11 heard of this shooting by Officer Saldivar of my client Randy</p> <p>12 Aviles; correct?</p> <p>13 A. Correct.</p> <p>14 Q. And did you ever watch the video of that shooting?</p> <p>15 A. No.</p> <p>16 Q. Okay. Because you wanted nothing to do with it.</p> <p>17 A. Don't want nothing to do with it.</p> <p>18 Q. Okay. What is your opinion of Officer Saldivar?</p> <p>19 MR. GILES: Objection; form.</p> <p>20 THE WITNESS: As I stated earlier, average.</p> <p>21 Q (By Mr. Dube) Well, that was your opinion of him as a</p> <p>22 police officer while you worked with him. Like, now that</p> <p>23 you've investigated two of his shootings, and, you know. I'm</p> <p>24 going to show you the video of this third shooting now. And</p> <p>25 I'll ask you that question again.</p>
<p style="text-align: right;">119</p> <p>1 sure I have everything I need and then we'll see.</p> <p>2 VIDEOGRAPHER: Off the record at 2:48.</p> <p>3 (Recess taken from 2:48 to 2:54)</p> <p>4 VIDEOGRAPHER: Back on the record at 2:54.</p> <p>5 Q (By Mr. Dube) So I just want to make sure we got the</p> <p>6 exhibits on the record, first of all. The first document I</p> <p>7 showed you was your police report; correct?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. And we marked that as Exhibit No. 1; correct?</p> <p>10 A. Correct.</p> <p>11 Q. And the second exhibit I showed you was your</p> <p>12 deposition testimony; correct?</p> <p>13 A. Correct.</p> <p>14 Q. And marked on the record as Exhibit No. 2.</p> <p>15 A. Correct.</p> <p>16 Q. Nathan (sic), and Steve, you guys have an objection?</p> <p>17 MR. GILES: I'm sorry?</p> <p>18 Q (By Mr. Dube) Do you have any objection to marking</p> <p>19 the deposition testimony as Exhibit No. 2?</p> <p>20 MR. GILES: I don't. No.</p> <p>21 Q (By Mr. Dube) And then also showed you an excerpt</p> <p>22 from Chief Bruegger's deposition as Exhibit No. 20, is that</p> <p>23 correct?</p> <p>24 A. Correct.</p> <p>25 Q. Marked on the record as Exhibit No.20. Any</p>	<p style="text-align: right;">121</p> <p>1 A. Okay.</p> <p>2 Q. Okay?</p> <p>3 A. Want me to hit play?</p> <p>4 Q. We are back on the record; correct?</p> <p>5 VIDEOGRAPHER: Yes, sir.</p> <p>6 (Video played)</p> <p>7 Q (By Mr. Dube) Pause it for a second.</p> <p>8 (Video paused)</p> <p>9 Q. What did you think about the request to ask him to</p> <p>10 get back in the car?</p> <p>11 A. You want me -- You're asking me to Monday morning</p> <p>12 quarterback this?</p> <p>13 Q. Yes.</p> <p>14 MR. GILES: Objection; form.</p> <p>15 MR. SELBE: Object; form.</p> <p>16 Q (By Mr. Dube) Just your first thoughts.</p> <p>17 MR. DUBE: Objection; form.</p> <p>18 Q (By Mr. Dube) Based on your years of experience as a</p> <p>19 police officer.</p> <p>20 A. If -- Everybody's going to do something different,</p> <p>21 because it's their own comfort level. Me, if that's me, he's</p> <p>22 not going back in the car.</p> <p>23 Q. Why is that?</p> <p>24 A. Because that's an unknown. He's out of the car,</p> <p>25 that's a known. I've got that. You're putting him back into</p>

<p style="text-align: right;">122</p> <p>1 unknown that you can't see.</p> <p>2 Q. So that's not something you would've done; correct?</p> <p>3 A. Me? No.</p> <p>4 Q. And did you see that when he came out, his hands were</p> <p>5 up; correct?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. You can press play.</p> <p>8 (Video played)</p> <p>9 Q. Pause for a second, please.</p> <p>10 (Video paused)</p> <p>11 Q. You stated you were an instructor at the Academy?</p> <p>12 A. No, I teach a class at our Academy.</p> <p>13 Q. What class is that?</p> <p>14 A. Basic criminal investigations.</p> <p>15 Q. Do you discuss police stops? During that class?</p> <p>16 A. No.</p> <p>17 Q. Okay. You do not discuss traffic stops at all?</p> <p>18 A. No.</p> <p>19 Q. Okay. Press play please.</p> <p>20 (Video played)</p> <p>21 Q. Pause for a second.</p> <p>22 (video played)</p> <p>23 Q. What do you think about the statement that, I will</p> <p>24 shoot you?</p> <p>25 MR. GILES: Objection; form.</p>	<p style="text-align: right;">124</p> <p>1 A. He must have seen something that we can't see.</p> <p>2 Q. From what you can see, what are your thoughts?</p> <p>3 A. From this point of view, something triggered him to</p> <p>4 shoot. As to what, I don't know.</p> <p>5 Q. But do you see anything that should have triggered</p> <p>6 him to shoot, from what you can see?</p> <p>7 MR. GILES: Objection; form.</p> <p>8 THE WITNESS: From this dash cam view? No, I don't</p> <p>9 see nothing from the dash cam view.</p> <p>10 Q (By Mr. Dube) This would be the body cam view, okay?</p> <p>11 A. Okay. Just hit play?</p> <p>12 Q. Yes.</p> <p>13 (Video played)</p> <p>14 (Video paused)</p> <p>15 Q. Did you hear what he said?</p> <p>16 A. Sir?</p> <p>17 Q. Did you hear what the defendant -- what the plaintiff</p> <p>18 said?</p> <p>19 A. It sounded something to the effect, Okay, Okay, I got</p> <p>20 you.</p> <p>21 Q. Does that indicate that he's complying?</p> <p>22 MR. GILES: Objection; form.</p> <p>23 THE WITNESS: It doesn't mean that he's complying.</p> <p>24 He's just saying something.</p> <p>25 Q (By Mr. Dube) Okay. At this position where he's at,</p>
<p style="text-align: right;">123</p> <p>1 THE WITNESS: What do I think about the statement?</p> <p>2 Q (By Mr. Dube) Uh-huh.</p> <p>3 A. I know officers say it. Officers have said it. Will</p> <p>4 say it. I've said it.</p> <p>5 Q. From what you observed, do you see any justification</p> <p>6 for that statement at that moment in time?</p> <p>7 MR. GILES: Objection; form.</p> <p>8 THE WITNESS: From this angle, which is different</p> <p>9 from the angle where he is standing, I mean. There's that one</p> <p>10 hand that keeps going in. But, I mean, I don't -- Like I said,</p> <p>11 everybody's level of fear is different, how they're going to</p> <p>12 handle stuff.</p> <p>13 Q (By Mr. Dube) And that's fair.</p> <p>14 A. Because, I mean -- I'll tell you right now, people</p> <p>15 Monday morning quarterback me to death. They will.</p> <p>16 Q. And a jury will Monday morning quarterback this as</p> <p>17 well so. I'm just asking for your opinion. Nothing else,</p> <p>18 nothing more.</p> <p>19 MR. SELBE: Object; form. He's answered the</p> <p>20 question.</p> <p>21 Q (By Mr. Dube) Okay. You can press play.</p> <p>22 (Video played)</p> <p>23 Q. You can pause. What are your thoughts?</p> <p>24 MR. GILES: Objection; form.</p> <p>25 Q (By Mr. Dube) Upon viewing that?</p>	<p style="text-align: right;">125</p> <p>1 can you see his hands?</p> <p>2 A. Yes. Where we're stopped at. Yes, sir.</p> <p>3 Q. Can you see both of his hands?</p> <p>4 A. Yes, sir.</p> <p>5 Q. They're both out the window; correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay.</p> <p>8 (Video played)</p> <p>9 (Video paused)</p> <p>10 Q. His hands are still out?</p> <p>11 A. One of them is.</p> <p>12 Q. Let's go back. I think both of them are.</p> <p>13 A. At the point where --</p> <p>14 (Video played)</p> <p>15 (Video paused)</p> <p>16 Q. Is there ever a justification for officer to shoot at</p> <p>17 a car that's moving away from him and not in the way of any</p> <p>18 pedestrians or anybody else on the street?</p> <p>19 MR. GILES: Objection; form.</p> <p>20 THE WITNESS: I just want to make sure I understand</p> <p>21 your question correctly. What you're asking is that, if</p> <p>22 there's any justification for an officer to fire his weapon</p> <p>23 into a moving car?</p> <p>24 Q (By Mr. Dube) That's moving away from him? And not</p> <p>25 threatening himself or any others.</p>

<p style="text-align: right;">126</p> <p>1 MR. GILES: Objection; form.</p> <p>2 THE WITNESS: When you ask it like that, no, there is</p> <p>3 none. But -- I mean, that's kind of a wide open question to</p> <p>4 ask there.</p> <p>5 Q (By Mr. Dube) It is. It is. Did you -- From what you</p> <p>6 saw in that video, did you see any reason -- Did you see a</p> <p>7 weapon on Mr. Aviles in this video?</p> <p>8 A. While watching the video right here, right now? I</p> <p>9 did not observe one.</p> <p>10 Q. Okay. Did you observe any reason for Officer</p> <p>11 Saldivar to have shot into the vehicle at Mr. Aviles, from what</p> <p>12 you saw?</p> <p>13 A. I mean, right now, I mean, I guess, no. I mean, if</p> <p>14 you need an answer right now, then -- But I wouldn't formulate</p> <p>15 -- I mean, even if I was the lead investigator on this, I</p> <p>16 wouldn't even form an opinion on it just by watching it just</p> <p>17 like this, two times.</p> <p>18 Q. I understand that. I'm just asking you because</p> <p>19 you've gone throughout your process --</p> <p>20 A. Yes, sir.</p> <p>21 Q. You watch it over and over again; right?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And you slow it down, go frame by frame. So that's</p> <p>24 your process --</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">128</p> <p>1 Q. So you believe that a charge -- So you referred to</p> <p>2 prosecution for aggravated assault, and official oppression;</p> <p>3 correct?</p> <p>4 MR. GILES: Objection; form.</p> <p>5 THE WITNESS: Yeah. Those were all possibilities.</p> <p>6 Or, you know, if they wanted to look at homicide, they</p> <p>7 could've.</p> <p>8 Q (By Mr. Dube) Because he did die at the end of the</p> <p>9 day; correct?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And so you believe that he could've been</p> <p>12 charged and you -- and you were referring it to, up to a murder</p> <p>13 charge; correct?</p> <p>14 MR. GILES: Objection; form.</p> <p>15 THE WITNESS: I don't ask for a specific charge when</p> <p>16 I turn my investigative work in. I just -- These are the facts</p> <p>17 that I have. This is for you to review.</p> <p>18 Q. Okay. And is it, in your opinion, a police officer -</p> <p>19 - Let me put it this way: But you believe he had committed a</p> <p>20 crime with his actions with respect to the Schenk shooting;</p> <p>21 correct?</p> <p>22 MR. GILES: Objection; form.</p> <p>23 THE WITNESS: Yes.</p> <p>24 Q (By Mr. Dube) Okay. And is it your opinion that a</p> <p>25 police officer who has committed a crime should remain on the</p>
<p style="text-align: right;">127</p> <p>1 Q. Right? So I understand that. And that's the process</p> <p>2 you shared with the Chief; correct? And everybody else.</p> <p>3 A. Yes, sir.</p> <p>4 Q. When you formed your opinion in the Schenk case;</p> <p>5 correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. This is something different.</p> <p>8 A. Yes, sir.</p> <p>9 Q. I'm just asking you just based on what you just saw,</p> <p>10 do you see a justification as to why he shot?</p> <p>11 A. At this time, no, based on what I've just seen.</p> <p>12 Q. Okay. Thank you. And one more. At the conclusion</p> <p>13 of your investigation in the Schenk matter, you -- Did you</p> <p>14 refer that case up for prosecution?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. And you believe that Officer Saldivar should</p> <p>17 have been prosecuted?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. Criminally.</p> <p>20 A. Yes, sir.</p> <p>21 Q. For what charge?</p> <p>22 MR. GILES: Objection; form.</p> <p>23 THE WITNESS: Could have been a variety of anything.</p> <p>24 It could have been -- you've got, aggravated assault. There's</p> <p>25 official oppression, there's whatever the DAs office decided.</p>	<p style="text-align: right;">129</p> <p>1 force?</p> <p>2 MR. GILES: Objection; form.</p> <p>3 THE WITNESS: Are you asking if he's committed a</p> <p>4 crime should remain on the force?</p> <p>5 Q (By Mr. Giles) Yes.</p> <p>6 A. A crime he's been charged with or -- I mean, that's -</p> <p>7 -</p> <p>8 Q. If he's committed a crime such as aggravated assault</p> <p>9 or official -- Do you believe an officer who has committed</p> <p>10 official oppression should be -- belongs on the City of</p> <p>11 Pasadena police force?</p> <p>12 MR. GILES: Objection; form.</p> <p>13 THE WITNESS: He shouldn't, but that's out of my</p> <p>14 call.</p> <p>15 Q (By Mr. Dube) All right. I'm just asking for your</p> <p>16 opinion. So, in your opinion, an officer who's committed</p> <p>17 official oppression should not remain on the City of Pasadena</p> <p>18 police force; correct?</p> <p>19 MR. GILES: Objection; form.</p> <p>20 THE WITNESS: Yeah. Yes.</p> <p>21 Q (By Mr. Dube) So at the conclusion of your</p> <p>22 investigation, did you believe that Officer Saldivar should've</p> <p>23 remained on the City of Pasadena police force?</p> <p>24 MR. GILES: Objection; form.</p> <p>25 THE WITNESS: No. He shouldn't have remained on it.</p>

<p style="text-align: right;">130</p> <p>1 Q (By Mr. Dube) You believe he should've been fired?</p> <p>2 MR. GILES: Objection; form.</p> <p>3 THE WITNESS: Opinion? Yeah.</p> <p>4 Q (By Mr. Dube) Did you express that opinion to</p> <p>5 anybody?</p> <p>6 A. My sergeant.</p> <p>7 Q. Officer Skripka?</p> <p>8 A. Yes.</p> <p>9 Q. And you told him that it was your opinion that</p> <p>10 Officer Saldivar should be fired?</p> <p>11 A. I -- those exact words, it would have been something</p> <p>12 -- probably along the lines, he should've been relieved of</p> <p>13 duty. And, yeah.</p> <p>14 Q. Do you know whether or not he shared that with</p> <p>15 anybody else?</p> <p>16 A. Don't know.</p> <p>17 Q. Did you share that opinion with anybody else?</p> <p>18 A. No.</p> <p>19 Q. Did you share that opinion at the meeting with the</p> <p>20 command staff?</p> <p>21 A. No.</p> <p>22 Q. Sitting where you sit right now, do you believe</p> <p>23 Officer Saldivar committed homicide against Mr. Schenk?</p> <p>24 MR. GILES: Objection; form.</p> <p>25 THE WITNESS: His actions resulted in his death.</p>	<p style="text-align: right;">132</p> <p>1 MR. DUBE: I don't have internet anymore.</p> <p>2 THE REPORTER: I know what you mean. It looks like</p> <p>3 paper.</p> <p>4 MR. DUBE: Nobody wants paper anymore.</p> <p>5 THE REPORTER: While you're looking for that --</p> <p>6 MR. DUBE: Thank you, sir. I appreciate your time.</p> <p>7 MR. COOPER: Yes, sir.</p> <p>8 THE REPORTER: How many copies would you like?</p> <p>9 MR. DUBE: Just one. Whatever is cheapest, really.</p> <p>10 THE REPORTER: Okay.</p> <p>11 MR. DUBE: Whatever is cheapest. I will want the</p> <p>12 video, but I don't know if I need it at this time.</p> <p>13 THE REPORTER: We can go off the record now.</p> <p>14 VIDEOGRAPHER: Off the record at 3:17.</p> <p>15 (Deposition concluded at 3:17)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">131</p> <p>1 Q (By Mr. Dube) I'm going to ask the question one more</p> <p>2 time. I know you don't want to say it, but do you believe</p> <p>3 Officer Saldivar committed homicide against Mr. Schenk?</p> <p>4 MR. GILES: Objection; form.</p> <p>5 Q (By Mr. Dube) Based on his actions that night?</p> <p>6 A. Yes.</p> <p>7 Q. No further questions.</p> <p>8 MR. GILES: Okay. I'll reserve my questions for</p> <p>9 trial.</p> <p>10 VIDEOGRAPHER: Off the record at 3:15.</p> <p>11 VIDEOGRAPHER: Still on the record.</p> <p>12 THE REPORTER: For the record, can we clarify 17 is a</p> <p>13 video of --</p> <p>14 MR. DUBE: Sure. I'll tell you. 17 would've been</p> <p>15 the full video, but let me --</p> <p>16 MR. GILES: Is there any reason to keep the witness</p> <p>17 here?</p> <p>18 THE REPORTER: Not that I can think of.</p> <p>19 MR. GILES: Okay. You can go.</p> <p>20 MR. DUBE: I want to say thank you after I'm done.</p> <p>21 THE REPORTER: Just get one more thing on the record.</p> <p>22 How many copies would you like of the deposition?</p> <p>23 MR. GILES: I just want whatever the cheapest thing</p> <p>24 you have that -- in paper. I don't want the movie, at this</p> <p>25 point. Not paper. I mean electronic.</p>	<p style="text-align: right;">133</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 I the undersigned, Sam Swain, am a videographer on behalf</p> <p>4 of NAEGELI DEPOSITION AND TRIAL. I do hereby certify that I</p> <p>5 have accurately made the video recording of the deposition of</p> <p>6 Det. Michael Cooper, in the above captioned matter on the 7th</p> <p>7 day of December, 2023, taken at the location of Lewis Brisbois</p> <p>8 Bisgaard and Smith LLP, 24 Greenway Plaza, Ste. 1400, Houston,</p> <p>9 TX 77046.</p> <p>10</p> <p>11 No alterations, additions or deletions were made thereto.</p> <p>12</p> <p>13 I further certify that I am not related to any of the</p> <p>14 parties in the action and have no financial interest in</p> <p>15 the outcome of this matter.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 Sam Swain</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">134</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF TEXAS 3 HOUSTON DIVISION 4 5 RANDY AVILES, 6 Plaintiff, 7 V. CIVIL ACTION NO. 4:20-CV-03799 8 RIGOBERTO SALDIVAR, 9 CITY OF PASADENA, TX 10 Defendants. 11 12 REPORTER'S CERTIFICATION 13 DEPOSITION OF DET. MICHAEL COOPER 14 DECEMBER 7, 2023 15 16 I, Mary Kai Brandenburg, Court Reporter, hereby certify to 17 the following: 18 That the witness, Det. Michael Cooper, was duly sworn by 19 the officer and that the transcript of the oral deposition is a 20 true record of the testimony given by the witness; 21 That the deposition transcript was submitted on 22 December 21, 2023 to the witness or to the attorney for the 23 witness for examination, signature and return to NAEGELI 24 DEPOSITION AND TRIAL by January 10, 2023; 25 That the amount of time used by each party at the</p>	<p style="text-align: right;">136</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF TEXAS 3 HOUSTON DIVISION 4 5 RANDY AVILES, 6 Plaintiff, 7 V. CIVIL ACTION NO. 4:20-CV-03799 8 RIGOBERTO SALDIVAR, 9 CITY OF PASADENA, TX 10 Defendants. 11 12 FURTHER CERTIFICATION UNDER RULE 203 TRCP 13 The original deposition of Det. Michael Cooper ___ was 14 ___ was not returned to the deposition officer. 15 If returned, the attached Changes and Signature page 16 contains any charges and the reasons therefor; 17 If returned, the original deposition was delivered to 18 ___, custodial attorney; 19 That ___ is the deposition officer's charges to 20 ___, attorney for the ___, 21 for preparing the original deposition transcript and any 22 copies of exhibits; 23 That the deposition was delivered in accordance with 24 Rule 203.3, and that a copy of this certificate was served 25 on all parties shown herein on and filed with the Clerk.</p>
<p style="text-align: right;">135</p> <p>1 deposition is as follows: 2 DIMITRI DUBE - 3hr 9min 3 NORMAN R. GILES - 0hr 0min 4 STEVEN D. SELBE - 0hr 0min 5 That pursuant to information given to the deposition 6 officer at the time said testimony was taken, the following 7 includes counsel for all parties of record: 8 DIMITRI DUBE ATTORNEY FOR PLAINTIFF 9 NORMAN R. GILES ATTORNEY FOR DEFENDANT 10 STEVEN R. GILES ATTORNEY FOR DEFENDANT 11 I further certify that I am neither counsel for, related 12 to, nor employed by any of the parties or attorneys in the 13 action in which this proceeding was taken, and further that I 14 am not financially or otherwise interested in the outcome of 15 the action. 16 Certified to by me this 13th day of September, 2022. 17 18 19 20 21 22 Mary Kai Brandenburg No. 12496 23 24 25</p>	<p style="text-align: right;">137</p> <p>1 Certified to by me this ___ day of ___, 2023. 2 3 4 5 6 Mary Kai Brandenburg No. 12496 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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CORRECTION SHEET

Deposition of: Det. Michael Cooper Date: 12/07/23
 Regarding: Aviles vs. Saldivar
 Reporter: Brandenburg

Please make all corrections, changes or clarifications
 to your testimony on this sheet, showing page and line number.
 If there are no changes, write "none" across
 the page. Sign this sheet on the line provided.

Page	Line	Reason for Change
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Signature_____

Det. Michael Cooper

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DECLARATION

Deposition of: Det. Michael Cooper Date: 12/07/23
 Regarding: Aviles vs. Saldivar
 Reporter: Brandenburg

I declare under penalty of perjury the following to
 be true:

I have read my deposition and the same is true and
 accurate save and except for any corrections as made
 by me on the Correction Page herein.

Signed at _____,
 on the _____ day of _____, 2023.

Signature_____

Det. Michael Cooper

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